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GSA

Wednesday
August 29, 1979

Registered

Highlights

- 50605 Crude Oil** DOE/ERA proposes amendments to the pricing regulations; comments by 10-5-79; hearing 10-16-79 and 10-24-79
- 50788 Weatherization Assistance for Low-Income Persons** DOE sets forth final rule on State developed list of weatherization measures; effective 11-27-79 (Part IV of this issue)
- 50656 Developmental Disabilities Program** HEW/HDS provides notice of intent to reallocate funds; comments by 9-28-79
- 50601 Genetic Diseases Testing and Counseling** HEW/PHS establishes final regulations for administration of project grants; effective 4-23-79
- 50604 Aliens** Justice/INS proposes to amend regulations requiring nonimmigrant professional nurses to pass screening examination; comments by 10-29-79
- 50607 Federal Credit Unions** NCUA prints a notice of determination concerning the regulation of debt collection practices; effective 8-29-79
- 50607 Air Carriers** CAB proposes removal of limitations on cargo charters; comments by 10-29-79

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Highlights

- 50591, 50596, 50597 Air Carriers** CAB promulgates final amending regulations to allow split cargo charters; effective 9-28-79 (3 documents)
- 50668 Countertop Microwave Ovens from Japan** Treasury gives notice of initiation of investigation on antidumping proceedings
- 50626 Grants** Commerce/NTIA prints notice of an addendum to list of applications accepted for filing; comments by 9-28-79
- 50801 Energy** DOE solicits comments on regulations intending to prevent or impede development of renewable resources; comments by 10-15-79 (Part V of this issue)
- 50663 Antidumping** ITC issues notice of investigation on titanium dioxide being sold from Belgium, France, the United Kingdom, and the Federal Republic of Germany; hearing on 9-27-79
- 50785 Oil and Hazardous Substances** EPA and Transportation/CG publishes memorandum of understanding concerning the assessment of civil penalties (Part III of this issue)
- 50783 Hazardous Substances** EPA intend to remove calcium oxide and calcium hydroxide from list under the Clean Water Act; comments by 9-28-79 (Part III of this issue)
- 50780 National Pollutant Discharge Elimination System** EPA proposes rule to establish consolidated permit program requirements; additional comments by 9-12-79 (Part III of this issue)
- 50732 Water Pollution** EPA adopts guidelines on control technology; effective 9-28-79
- 50766 Water Pollution** EPA issues rules on designated hazardous substances under the Clean Water Act; effective 9-28-79 (Part III of this issue)
- 50576 Environmental Protection** USDA/SCS issues final regulations prescribing the general procedures for compliance with the National Environmental Policy Act; effective 8-29-79
- 50727 Sunshine Act Meetings**

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- 50766 Part III, EPA**
- 50788 Part IV, DOE**
- 50801 Part V, DOE**

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Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 46

Regulations (Other Than Rules of Practice) Under the Perishable Agricultural Commodities Act, 1930

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: The Department of Agriculture amends 7 CFR Part 46, Regulations (Other Than Rules of Practice) issued pursuant to the Perishable Agricultural Commodities Act. The primary purpose of the amendments is to bring the Regulations into conformity with and to implement amendments to the Act enacted in Pub. L. 95-562, approved November 1, 1978, 92 Stat. 2381.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Wilbur A. Rife, Head, License Section, Regulatory Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, Phone (202) 447-2189.

SUPPLEMENTARY INFORMATION: Notice was published in the May 31, 1979 Federal Register (44 FR 31186-31189) that the Department was considering amending §§ 46.2, 46.4, 46.5, 46.6, 46.9, 46.13, 46.14, 46.17, and 46.43 of the Regulations (Other Than Rules of Practice) (7 CFR Part 46.1-46.45) issued pursuant to the Perishable Agricultural Commodities Act, as amended (7 U.S.C. 499a et seq.). Interested parties were afforded 60 days to file written comments on the proposed revisions. Four of these comments, submitted by large shipping organizations, were in complete agreement with the proposed revisions of the Regulations. The other four commentors raised questions concerning the proposed amendment to § 46.2. These comments are dealt with below.

The Perishable Agricultural Commodities Act was enacted in 1930, after representatives of the produce industry recognized and convinced Congress that there was a need for a code of fair trading standards to curb abuses in the marketing of perishable agricultural commodities in interstate or foreign commerce. It establishes a means for the enforcement of marketing contracts by providing for the collection of damages from anyone who fails to live up to contractual obligations. Licenses are the key to the enforcement of the Act, and can be suspended or revoked for violations of the law. The Act has been amended numerous times to keep it up to date with changes in trading practices. The latest amendment was enacted on November 1, 1978.

Public hearing and considerations by the House and Senate Subcommittees on the 1978 legislation amending the Act can be found in House Report No. 95-1620 and Senate Report No. 95-1156. These reports show that there were extensive discussions on the proposed legislation and that all segments of the industry were heard in the public hearing regarding the proposal to amend the Act.

The recent amendments to the Act (Pub. L. 95-562), increased the exemption, effective January 1, 1979, on purchases of produce by retailers and sales of frozen food brokers from \$100,000 to \$200,000 during a calendar year, before they are subject to a license under the Act; authorized a change in the manner in which license fees are assessed from the current uniform fee, regardless of size or volume of business, to a variable basis; increased the maximum annual license fee from \$100 to \$150, and permitted an assessment of up to \$50 per branch for each branch operation exceeding nine, provided that the aggregate annual license fees that can be assessed a firm operating under the Act cannot exceed \$1,000; authorized inspection of the accounts, records, and memoranda of any commission merchant, dealer, or broker, who has been determined, in a formal disciplinary proceeding, to have violated the prompt payment provisions of Section 2(4) of the Act to insure that this provision is not being further violated; and authorized the Secretary to require that any commission merchant, dealer, or broker who has been determined, in a formal disciplinary proceeding, to have

violated the prompt payment provision of Section 2(4) of the Act, furnish, maintain, and from time to time adjust a surety bond in a form and amount satisfactory to the Secretary as assurance that the commission merchant, dealer, or broker will pay all reparation awards subject to its right of appeal under Section 7(c) of the Act.

(a) *License fees and collateral matters.* As noted above, the 1978 amendments to the Act affect license fees in two ways. First, the amendment authorizes annual assessments of up to \$50 per branch for each branch operation exceeding nine providing that the aggregate annual license fee cannot exceed \$1,000, and authorizes a maximum annual basic license fee of \$150. The authority to assess a fee on branch operations establishes a more equitable assessment of license fees by having the larger volume firms pay a fairer share of the cost of administering the program. Because of this authority to assess license fees on branches or additional business facilities operated by firms subject to the Act, § 46.2 of the Regulations is amended to include a definition of the term "Branch or additional business facility." This additional definition is necessary in order to establish, for fee assessment purposes, which business operations fall within the purview of the newly assessable category.

Additionally, §§ 46.4(b), 46.13 and 46.14(b) are amended to reflect that records and memoranda regarding the number and address of any branches or additional business facilities must be kept and preserved by the commission merchant, dealer, or broker and reported to the Secretary.

Two commentors raised questions regarding the proposed definition of "Branch or additional business facility." Their questions particularly concerned a cooperative's operation under the proposed definition. Cooperatives which operate as a commission merchant, dealer, or broker are regulated in the same manner as any other business enterprise in that same category. If a cooperative is operating at various locations in the buying and/or selling of commodities, or negotiating such purchases and/or sales, it will be treated in the same manner as other types of operators who conduct business through such additional facilities.

One of these commentors also raised several other questions. First, it raised a question concerning the use of the term "includes, but is not limited to," in the portion of the proposed section 7 CFR 46.2(gg) in which examples of branches or other business facilities are used. The purpose of the questioned term is to ensure that persons are notified that the examples in the definition are not intended to be exclusive. The examples given are broad enough to encompass most business operations, but they do not anticipate all possible situations. Therefore, the term "includes, but is not limited to," is used in prefacing the list of examples.

The second question asked was whether "packing sheds" are included in the definition of "branches or other business facilities." If personnel in the shed are authorized to purchase, sell, or otherwise effect contracts, the "packing shed" is considered to be a "branch or other business facility." The fact that all purchases are paid for through, or all sales are invoiced and proceeds received by, a headquarter's office is immaterial.

The second effect of the amendments is to raise the maximum basic annual license fee which may be assessed by the Secretary. These license fees and assessments provide the revenue through which the cost of administration of the Perishable Agricultural Commodities Act program is financed. The statutory maximum license fee was last increased by Congress in 1969, to \$100. The recent amendments increased the maximum basic annual license fee to \$150.

The increased fee structure was needed to maintain the financial solvency of the program, caused by a decline in the number of firms subject to a license during the 1970's. This decline was due primarily to mergers, consolidations, and closures of small firms. During the same period, the cost of administering the Act increased sharply, even though the number of employees in the program has remained relatively stable, or been slightly reduced over the past decade, while the workload has shown a slight increase.

As a result, the present annual license fee of \$100 is not producing sufficient revenue to meet administrative expenses. Therefore, § 46.6 of the regulations is amended to increase the basic annual license fee to \$135. Additionally, licensees with multiple branches pay an annual fee of \$35 per branch for each branch in excess of nine, subject to the aforementioned \$1,000 limit. This new fee structure is effective October 1, 1979.

One comment raised a question as to how the license fee of retail business with more than one location would be computed. If a retailer has a headquarters location plus ten retail outlets at different locations, its fee would be \$170 (\$135 plus \$35 for the one branch facility in excess of nine); if the retailer, on the other hand, had located its headquarters at one of the ten retail outlets, its fee would only be \$135 since it would only have nine branches.

(b) *Retailer exclusion.* The amendments to the Act increase the amount of perishable agricultural commodities retailers are permitted to buy without being considered a "dealer" from \$100,000 to \$200,000 in any calendar year. Section 46.2(m) of the regulations is amended to make the definition of the term "dealer" in the regulations consistent with that in the Act.

(c) *Broker exclusion.* The amendments to the Act increase the exempted amount of frozen fruits and vegetables for which a person acting as an independent agent may negotiate a sale on behalf of a vendor from \$100,000 in any calendar year to \$200,000 in any calendar year. Section 46.2(n) of the regulations is amended to make the definition of the term "broker" in the regulations consistent with that in the Act.

(d) *Bond.* The amendments to the Act authorize the Secretary to require that any commission merchant, dealer or broker, who has been determined, in a formal disciplinary proceeding, to have violated the prompt payment provisions of Section 2(4) of the Act to furnish, maintain and from time to time adjust a surety bond in a form and amount satisfactory to the Secretary as an assurance that the commission merchant, dealer or broker will pay all reparation awards subject to its right of appeal under Section 7(c) of the Act. Section 46.5 of the regulations is amended to reflect that Section 13(b) of the Act permits the Secretary to require the posting of a bond. Also, the regulations are amended to provide that the minimum bond acceptable, under any provision of the Act be increased to \$10,000.

(e) *License suspension.* The amendments to the Act authorized the suspension of the license of a commission merchant, dealer or broker who, after having been determined in a formal disciplinary proceeding to have violated the prompt payment provisions of Section 2(4) of the Act, refuses to permit inspection of its accounts, records and memoranda or fails or refuses to furnish, maintain, or adjust the surety bond required by the

Secretary. Section 46.9(h) of the regulations is amended to reflect this added authority.

(f) *Commercial Unit.* Several recent reparation cases, brought pursuant to the Act, have raised the questions as to what constituted a "commercial unit." Inasmuch as this has not heretofore been a problem, no definition of the term had been included in the regulations. In order to forestall any further difficulties from arising, a definition of the term "commercial unit" is added to § 46.43 of the regulations. This definition does not modify the parties existing contractual rights and responsibilities.

One Commentor objected to the proposed definition of "commercial unit." Its basis for objection stemmed from its view that the proposed definition was biased in favor of a receiver. This erroneous viewpoint resulted from the commentor's belief that a receiver would be able to reject an entire load of produce when only one container would be susceptible to rejection. The Commentor suggested that rather than a whole truckload, the "commercial unit" be limited to one commodity.

The definition sets down for use as a trade term, a policy which has been consistently followed in the administration of the Act. The objective is to clarify the rights and responsibilities of buyers and sellers so that they will be better able to avoid unjustified rejection of goods. The failure of one container to meet contract requirements would not be cause for rejection of a shipment. Also, if the definition of a commercial unit were to be confined to each commodity lot, the rejection problem could be aggravated. Assume a sale of five commodities tendered for delivery as one shipment. The buyer could accept any one or group of the commodities which met contract and reject the others. The seller would then have the problem of disposing of the goods left on a trailer without having control over the carrier.

Applying the principle of one contract and one shipment making a commercial unit eliminates some problem areas. The total number of packages of one or more commodities tendered for delivery to a buyer under one sales contract would be a commercial unit. Failure of one commodity, or a group which make up a minor portion of the total shipment, to meet contract requirements would not be a cause for rejection of the commercial unit (the entire shipment). In these circumstances, a buyer would be expected to accept the shipment and negotiate a new agreement with the

seller for disposition of the goods that did not meet contract.

If a seller tenders a shipment to a buyer which consists of two commodities, each of which makes up a substantial portion of the shipment and one commodity does not meet contract requirements, the buyer could reject the entire shipment or he could accept the entire shipment and recover damages resulting from the breach of contract. The buyer could not accept the commodity which meets contract and reject the other. Both commodities make up the commercial unit which must be accepted in its entirety.

Where a seller contracts with three buyers for goods which are moved in the same carrier, the goods tendered under each contract of sale make up a commercial unit. The rights and responsibilities accrue to each unit including the right to reject.

(g) *Miscellaneous.* Section 46.4(b)(4) of the regulations currently provides that responsibly connected female married persons furnish the full legal name of their husbands on the application for a license. Inasmuch as no requirement is made that male married persons furnish the full legal name of their wives on the application, the requirement that a female provide the name of her spouse may be construed as discriminatory. Section 46.4(b)(4) is amended to delete the requirement.

Additionally, § 46.13 of the regulations is amended to require that licensees using trade names report the deletion or addition of any trade name to the Director. Currently, licensees are only required to obtain approval of the Secretary before using a trade name. It is believed that knowing which trade names are being used, at any point in time, will be useful in administering the Act.

After due consideration of the comments presented concerning the proposed revisions of the Regulations and pursuant to the authority contained in § 15, 46 Stat. 537 as amended; 7 U.S.C. 4990, the Regulations (Other Than Rules of Practice) (7 CFR Part 46) under the Perishable Agricultural Commodities Act, 1930, are hereby amended as follows:

1. Amend § 46.2 by revising paragraphs (m)(2) and (n) and adding new paragraph (gg) to read as follows:

§ 46.2 Definitions.

The terms defined in the first Section of the Act shall have the same meaning as stated therein. Unless otherwise defined, the following terms whether used in the regulations, in the Act, or in the trade shall be construed as follows:

(m) "Dealer" means any person engaged in the business of buying or selling produce in wholesale or jobbing quantities in commerce, and includes:

(2) Retailers, when the invoice cost of all purchases of produce exceeds \$200,000 during a calendar year. In computing dollar volume, all purchases of fresh and frozen fruits and vegetables are to be counted, without regard to quantity involved in a transaction or whether the transaction was in intrastate, interstate or foreign commerce;

(n) "Broker" means any person engaged in the business of negotiating sales and purchases of produce in commerce for or on behalf of the vendor or the purchaser, respectively, except that no person shall be deemed to be a "broker" within the meaning of the Act if such person is an independent agent negotiating sales for or on behalf of the vendor and if the only sales of such commodities negotiated by such person are sales of frozen fruits and vegetables having an invoice value not in excess of \$200,000 in any calendar year.

(gg) "Branch or additional business facility," as used in Section 3(b) of the Act, means an office or outlet in a location other than that of the principal or main office of a firm, out of which or through which the firm purchases, sells, negotiates contracts, solicits, or handles consignments, or otherwise contracts in perishable agricultural commodities including seasonal, part-time and full-time operations. As used in this paragraph, "branch or additional business facility" includes, but is not limited to, the following:

(1) Jobbers, Wholesalers, Distributors—Each location through which commodities are bought, sold or otherwise contracted;

(2) Retailers—Each outlet through which retail sales of commodities are made and each office which purchases commodities;

(3) Trucker/Dealer—A truck is a "branch" office if the driver is authorized to buy, sell or otherwise contract for commodities on behalf of the firm;

(4) Shippers—On-the-ground representatives making purchases, sales or otherwise contracting for commodities;

(5) Brokers—Each office conducting contract negotiations including on-the-ground representatives negotiating contracts for commodities;

(6) Processors—Each location at which commodities are purchased, sold or contracted to be purchased or sold;

(7) Cooperatives—Each operation away from the main office that has responsibility to account for proceeds received from sales of commodities; or

(8) Seasonal/Part-Time Operations—Any facility with on-the-ground representatives making purchases, sales, or otherwise contracting for commodities.

2. Amend § 46.4(b) by revising paragraphs (b)(1) and (b)(4) to read as follows:

§ 46.4 Application for license.

(b) The applicant shall furnish the following information:

(1) Name or names in which business is conducted; place of business; mailing address; name, location and number of branches or additional business facilities, divisions or affiliates; name of firm succeeded and whether the applicant assumes responsibility of settling any complaints filed under the Act against the firm succeeded.

(4) Full legal name, all other names used, if any, and home address of the owner. If a partnership, the applicant shall furnish the full legal names, all other names used, if any, and home address of all partners, indicating whether general, limited or special partners; or if an association or corporation the applicant shall furnish the full legal names, all other names used, if any, and home address of all officers, directors and holders of more than 10 per centum of the outstanding stock and percentage of stock held by each such person. Minors shall also furnish the full name and home address of their guardian. If the applicant is a trust the name of the trust and full name and home address of the trustee shall be furnished.

3. Revising § 46.5 to read as follows:

§ 46.5 Bonds.

Bonds prescribed in Section 4(c), 4(e), 8(b), and 13(b) of the Act shall be in the form of cash or surety bonds in the form and amount satisfactory to the Director and shall not be less than \$10,000. When cash is posted as surety, it shall be deposited into a special account of the United States Treasury and no interest is to accrue or be paid the licensee. When surety bonds are furnished, the surety shall be a company holding a certificate of authority from the Secretary of the Treasury under Act of Congress approved July 30, 1947 (6 U.S.C. secs. 6-13) as acceptable surety on Federal bonds.

4. Revising § 46.6 to read as follows:

§ 46.6 License fee.

The annual license fee is one hundred and thirty-five (135) dollars plus thirty-five (35) dollars for each branch or additional business facility operated by the applicant exceeding nine. In no case shall the aggregate annual fees paid by any applicant exceed one thousand (1,000) dollars. The Director may require that the fee be submitted in the form of a money order, bank draft, cashier's check, or certified check made payable to Agricultural Marketing Service. Authorized representatives of the Division may accept fees and issue receipts therefor.

5. Revising § 46.9(h) to read as follows:

§ 46.9 Termination, suspension, revocation, cancellation of licenses; notices; renewal.

(h) Under Section 13 of the Act a license can be suspended:

(1) if the licensee refuses to permit inspection of his records or of any lot of produce under his ownership or control; or

(2) if the licensee, subsequent to a determination in a formal disciplinary proceeding that it has violated the prompt payment provision of Section 2(4) of the Act, refuses to permit an inspection of its accounts, records and memoranda to insure that it is in compliance with the prompt payment provision of Section 2(4) of the Act or fails or refuses to furnish, maintain, or adjust a surety bond in a form and amount satisfactory to the Secretary.

6. Amend § 46.13 to read as follows:

§ 46.13 Address, ownership, changes in trade name, changes in number of branches, changes in members of partnership, and bankruptcy.

The licensee shall:

(a) promptly report to the Director in writing:

(1) any change of address;

(2) any change in officers, directors, and holders of more than ten percent of the outstanding stock of a corporation, with the percentage of the stock held by each such person;

(3) any deletions or additions of trade names;

(4) any change in the number and address of any branches or additional business facilities, and;

(5) when the licensee, or if the licensee is a partnership, any partner is subject to proceedings under the bankruptcy laws. A new license is required in case of a change in the ownership of a firm, an addition or

withdrawal of members of a partnership, or in case business is conducted under a different corporate charter from that under which the license was originally issued.

(b) obtain approval from the Director prior to using any trade name.

7. Amend § 46.14(b) to read as follows:

§ 46.14 General.

(b) Every commission merchant, dealer, and broker shall prepare and preserve records and memoranda required by the Act which shall fully and correctly disclose the true ownership and management of such business during the preceding four years. Such records shall include the number and location of all branches or additional business facilities operated by or for the commission merchant, dealer or broker. In the case of a corporation, such records shall include the corporate charter, record of stock subscription and stock issued, the amounts paid in for stock and minutes of stockholders' and directors' meetings showing the election of directors and officers, resignations and other pertinent corporate actions. In the case of a partnership, the records shall contain a copy of the partnership agreement showing the type of partnership, the full names and addresses of all partners including general, special or limited partners, the partnership interest of each individual, and any other pertinent records of the partnership.

8. Revise § 46.17 to read as follows:

§ 46.17 Inspection of records.

Each licensee shall, during ordinary business hours, promptly upon request, permit any duly authorized representative of the Department to enter his place of business and inspect such accounts, records, and memoranda as may be material (a) in the investigation of complaints under the Act, or (b) to the determination of ownership, control, packer, or State, country, or region or origin in connection with commodity inspections, or (c) to ascertain whether there is compliance with Section 9 of the Act, or (d) in administering the licensing and bonding provisions of the Act, or (e) if the licensee has been determined in a formal disciplinary proceeding to have violated the prompt payment provision of Section 2(4) of the Act, to determine whether, at the time of the inspection, there is compliance with that Section. Any necessary facilities for such inspection shall be extended to such

representative by the licensee, his agents, and employees.

9. Amend § 46.43 by adding new paragraph (ii) to read as follows:

§ 46.43 Terms construed.

(ii) "Commercial Unit" means a single shipment of one or more perishable agricultural commodities tendered for delivery on a single contract, such commercial unit must be accepted or rejected in its entirety. Acceptance of a commercial unit does not modify the parties' existing contractual rights and responsibilities.

Note. The amendments to these regulations have been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations," and has been classified "significant." A copy of an approved Final Impact Analysis is available from Wilbur A. Rife, Head, License Section, Regulatory Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, Phone (202) 447-2189.

This becomes effective October 1, 1979.

Dated: August 24, 1979.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 79-26984 Filed 8-28-79; 8:45 am]

BILLING CODE 3410-02-M

Soil Conservation Service

7 CFR Part 650

Compliance With NEPA

AGENCY: Soil Conservation Service (SCS), U.S. Department of Agriculture, (USDA).

ACTION: Final rule.

SUMMARY: This revised rule prescribes the general procedures for compliance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq.) and the Council on Environmental Quality's (CEQ) National Environmental Policy Act Regulations (40 CFR 1500-1508) issued November 29, 1978. This revised rule expands Part 650, Subpart A, to include all programs administered by SCS. The SCS rule adopts the CEQ regulations in total. The CEQ regulations will be distributed with the final SCS procedures.

EFFECTIVE DATE: August 29, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. Gary A. Margheim, Acting Director, Environmental Services Division, U.S. Department of Agriculture, Soil Conservation Service, P.O. Box 2890, Washington, D.C. 20013, (202) 447-3839.

SUPPLEMENTARY INFORMATION: On May 2, 1979, the Soil Conservation Service

published revised rules for implementation of NEPA in SCS-assisted project actions.

This rule is a total revision of the procedures for implementing NEPA used by SCS to comply with the regulations of the Council on Environmental Quality, 40 CFR 1500-1508, published November 29, 1978. These rules are expanded to include procedures for implementing NEPA in all SCS-assisted programs. Several data-gathering and inventorying programs of SCS are categorically excluded from requirements to prepare an environmental impact statement (EIS).

SCS is introducing a new phrase, "environmental evaluation (EE)," to describe the interdisciplinary planning that is carried out before SCS takes action in any program it administers. The phrase "environmental assessment (EA)" was formerly used by SCS to describe this part of the planning process. The definition "environmental assessment" in the new CEQ regulations 40 CFR 1508.9 depicts a document rather than a process, making it necessary for SCS to use a new phrase.

These rules have been developed in consultation with the staff of the Council on Environmental Quality and are consistent with the NEPA procedures of the Secretary of Agriculture.

These proposed rules have been determined to be significant under Executive Order 12044 "Improving Government Regulations." An approved impact analysis is available by contacting Dr. Gary A. Margheim, Acting Director, Environmental Services Division, U.S. Department of Agriculture, Soil Conservation Service, P.O. Box 2890, Washington, D.C. 20013, (202) 447-3839.

During the 45-day commenting period, seven letters of comment were received on the proposed rules. Two letters were from Federal agencies, one letter was from a State agency, two letters were from State conservation associations, and two letters were from individuals. All written comments were considered in developing the final rules. In addition, a national briefing on the proposed revised rules was conducted on Monday, May 21, 1979. The full text of all comments received is on file and available for public inspection in Room 6105, South Agriculture Building, Environmental Services Division, SCS, USDA, Washington, D.C. 20013.

The principal points raised by those submitting written comments and the SCS response to each are as follows:

Comment 1: One comment suggested that SCS's rules should clearly state how NEPA compliance applies to SCS's Emergency Assistance Program under

Section 216 of the Flood Control Act of May 17, 1950.

Response: Actions under Section 216 of Pub. L. 81-516 are treated no different from other actions administered by SCS. Because potential effects of this program on the human environment are at least cumulatively significant, SCS has filed a final program EIS. If an individual environmental evaluation of a proposed action under this act indicates that it will not meet the circumstances considered in the program EIS, additional environmental documentation would be required. Only very unusual actions under any program would require exceptions under 40 CFR 1506.11. The program EIS provides information on environmental compliance procedures. Special treatment in these actions is therefore not warranted.

Comment 2: One agency requested nonstructural alternatives also be discussed in § 650.7(b)(3), Alternatives.

Response: SCS does not believe that a requirement for discussions of nonstructural alternatives for all situations should be included in the NEPA rules. The discussion of environmental evaluation in § 650.5(a)(3) states: "In SCS-assisted project actions, nonstructural, water conservation, and other alternatives that are in keeping with the Water Resources Council's Principles and Standards are to be considered if appropriate." This statement adequately reflects SCS procedural guidance for consideration of alternatives.

Comment 3: One agency indicated that in § 650.3(b)(8), SCS environmental policy, SCS should require, rather than encourage, local project sponsors to review with interested publics the operation and maintenance (O&M) of practices and programs specified in the contracts for projects. SCS should also indicate the details of O&M needed in a plan, as well as discuss mitigation.

Response: SCS monitors its programs to ensure compliance with the requirements of NEPA and to cooperate with other agencies in determining that environmental safeguards are carried out according to plans and project agreements. As part of specific NEPA documents such as an EIS, O&M is described in the same detail as other installation features. This information is available at public meetings to discuss with interested publics and is included in review drafts.

SCS has no authority to require sponsors to hold additional specific public participation activities for completed projects. However, SCS would do the appropriate inspections and monitoring of completed projects to

see that planned works operate as indicated in specific environmental documents. SCS does not believe that it is appropriate in these implementing procedures to present the details of O&M needed for all actions. These details are appropriate in the O&M plans for individual projects or in agency O&M manuals. SCS should not specifically discuss mitigation (§ 1505.3) in the policy section of its procedures.

Comment 4: One agency suggested that SCS remove the word "significant" in § 650.7(a)(1), and insert the phrase "or wildlife" after the words "aquatic."

Response: Section 650.7(a)(1) reflects § 1501.4(a)(1) of the CEQ rule concerning agency proposals that normally require an environmental impact statement. SCS has stated in these rules, which actions normally require an EIS, and which are exempted from an automatic EIS. Actions along channels where no significant aquatic habitat exists are exempted from an automatic EIS. SCS feels the word "significant" is important in this rule because there are many channels, particularly the dry ephemeral streams in the West, that support a very limited aquatic habitat. In these cases, the environmental evaluation will provide the data to determine whether an EA or an EIS is prepared. The words "or wildlife" after the word "habitat" have been inserted in § 650.7(a)(1).

Comment 5: One agency requested that SCS substitute the word "identified" for "major" in the discussion of alternatives (§ 650.7(b)(3)).

Response: SCS agrees that the word "major" should be deleted.

Comment 6: One agency requested that the phrase "wetlands as well as fish and wildlife habitat" should be inserted after the word "farmlands" in § 650.7(b)(5).

Response: We agree and have made this change.

Comment 7: One agency disagreed with how scoping was presented in the SCS procedures. They stated that by comparing § 650.9(c) to the flow chart (Figure 1), it appears that scoping occurs immediately before the preparation of a notice of intent. They indicated that better planning would be fostered by including scoping as part of environmental evaluation.

Response: We agree that scoping should begin at the start of environmental evaluation. This has been clarified in the procedure § 650.9(c)(1). Formalized scoping, including scoping meetings, will not normally take place until the environmental evaluation indicates that an EIS may be needed. Once the need to prepare an EIS is established, SCS will publish a notice of intent to prepare an EIS.

Comment 8: One comment suggested that SCS's Guide for Environmental Assessment be highlighted to point out how environmental evaluation criteria will be used.

Response: The SCS Guide for Environmental Assessment describes the relationship between environmental evaluation and planning. The importance of this document has been highlighted in the SCS implementation regulations by describing its function at the beginning of § 650.5.

Comment 9: Another comment suggested that public participation be shown on the flow chart.

Response: The suggestion was considered, but because public participation occurs throughout planning, it cannot be portrayed at a single position on the flow chart.

Comment 10: One comment suggested that § 650.12 explain more clearly how its environmental evaluation process will culminate in a preferred alternative.

Response: The wide range of programs and projects administered by SCS results in an equally wide range of criteria that must be considered in each environmental evaluation. These criteria vary according to the problems and objectives of the applicant and the availability of natural resources to solve problems and meet objectives. Criteria include the rules and regulations for compliance with NEPA, and other resource preservation acts. It is not practical to include all such criteria in these rules. We believe that § 650.12, which details steps of program decisionmaking, responds to part 1505 of the CEQ regulations, and that public participation in decisionmaking ensures a wise choice of evaluatory procedures.

Comment 11: Another comment suggested that § 650.12 include a description of the content of the record of decision (ROD).

Response: The content of the ROD is noted in § 650.12(c) to serve as the public record of decision described in 40 CFR 1505.2. Because these rules are supplemental to the CEQ regulations, it was considered unnecessary to repeat the primary regulation (see 7 CFR 650.1(b)).

Comment 12: One comment suggested that draft EIS's should be sent to organizations, groups, and individuals noted in § 650.9(d)(3)(i).

Response: The public cited in both subsections is the same. This has been clarified by referring to § 650.9(d)(3)(i) in section 650.13, Review and Comment.

Comment 13: One comment suggested that SCS use a "supplement" instead of a "revision" of an EIS and that the rules also should provide for withdrawal of an EIS.

Response: SCS uses both terms, "revised" and "supplemented" to clarify the position of the action in the planning process. The term "revised" (§ 650.13(d)) is used in the planning process for actions in which substantial change has occurred. "Supplements" are made to the final EIS if a substantial project change has occurred that significantly affects the quality of the human environment or if it is necessary to clarify a point of concern. Provisions for withdrawal or rescission of an EIS are described in EPA's "Guidelines for Implementing Section 1506.9 of the CEQ Regulations." These guidelines will be distributed throughout SCS when they have been finalized.

Comment 14: Another comment suggested that SCS's 30-day public availability period for final EIS's be included in § 650.13(e).

Response: The provision for the public availability period is described in § 650.12(c)(3), but a reference to this substitution has been included as § 650.13(e)(3), to clarify the concern.

Comment 15: Two individuals suggested that SCS use the term "environmental analysis" instead of "environmental evaluation."

Response: For some years SCS has used the term "environmental assessment" (EA) to apply to the part of planning that inventories and estimates the potential effects of alternate solutions to resource problems on the human environment. CEQ has defined EA differently. In the search for a new term SCS decided on "environmental evaluation (EE)." The term "environmental analysis" was considered; however, its acronym would be EA, the same as for environmental assessment. It seems desirable to use the least confusing term.

Comment 16: Another comment suggested that the only way an action covered by a program EIS can be shown on the flow chart to need a site-specific EIS is by doing an EA. The comment suggested the flow chart be revised to require an EA at this point.

Response: The CEQ regulations, in § 1501.3, indicate that an EA is not always necessary to decide to prepare an EIS. SCS has the option to prepare an EA if appropriate. However, we do not believe this option needs to be shown in Fig. 1.

Comment 17: One comment suggested that the environmental assessment should not include any of the information required by § 650.11(b)(3). An appendix to the EIS should include only that information required by CEQ regulations. The last sentence of § 650.11(b)(5)(iii) should be deleted.

Response: A resource plan may be developed for an area without preparing an EIS. In the absence of an EIS, the environmental document forming the basis for the Finding of No Significant Impact (FNSI) is an EA and should include all the information necessary to reach a decision. All the information required by § 650.11(3) is needed by SCS to prepare a proper resource plan. The last sentence § 650.11(b)(5)(iii) is in conformance with § 1502.23 of the CEQ regulations.

Comment 18: One comment stated that social values cannot be judged to be significant in determining environmental impact.

Response: The CEQ regulations, in § 1508.14, indicate that social effects are not intended to be used by themselves to determine environmental impact. However, social values must be considered where they interrelate with other environmental effects on the human environment.

Comment 19: Another comment suggested that "or create controversies" be deleted from § 650.7(b)(1) because there was no basis in NEPA or the CEQ rules for considering that the creation of controversy may have a significant effect on the quality of the human environment.

Response: We agree and have deleted the phrase, but we should point out that CEQ rules do include considerations for "controversies" in their definition of "significantly."

Comment 20: One comment expressed concern over the criteria that will be used to determine if there is "significant" aquatic habitat that would require preparation of EIS for channel realignment. It was recommended that criteria be included to determine "significant" aquatic habitat.

Response: The definition of "significantly" verbatim from CEQ rules 40 CFR 1508.27, has been included in § 650.4. This definition will be used by the interdisciplinary team in determining if "significant" aquatic habitat exists. The determination of "no significant aquatic habitat" will not be the only factor used in determining whether an EIS will be prepared. In any event, this decision will be a part of the reviewable record.

Comment 21: One comment from a state conservation agency suggested that SCS has exceeded the requirements of complying with the NEPA process as outlined by CEQ in their rules and regulations published in the Federal Register on November 29, 1978. As an example they indicate that SCS is making the record of decision (ROD) a part of the environmental documents

and publishing a notice of its availability in the **Federal Register**.

Response: SCS has developed its NEPA implementing procedures in consultation with the Council of Environmental Quality as required in § 102(2)(b) of NEPA and § 1507.3(a) of the CEQ-NEPA rules. As part of this consultation, SCS learned that CEQ considers the ROD to be an environmental document. Therefore SCS did not exceed the requirements of the CEQ rules by considering the ROD as an environmental document. SCS may use whatever document it needs to complete its formal record. SCS has used a statement of findings (SOF) to document its decision since 1977 in compliance with its rule of August 1977. The ROD is an extension of the SOF with the name changed to correspond to the uniformity of terminology mandated by 40 CFR 1500-1508.

Similarly, SCS is not exceeding the intent of the CEQ rules if it publishes the notice of availability of the record of decision in the **Federal Register**. SCS consulted with CEQ to clarify the requirement (§ 1506.1) that an agency issues a record of decision. CEQ's intent is that the agency affirmatively make the record of decision available to the public, but leaves it up to the agency to decide how to affirmatively make the record of decision available. SCS has rewritten § 650.12(c) to clarify the timing and notification of both the ROD and the FNSI. Our intent in publishing the notice of availability of the ROD in the **Federal Register** and in local newspapers is to affirmatively call to the public's (§ 1505.2) attention that a decision has been made.

Comment 22: One comment stated, "Much of the SCS activity with which the local Conservation Districts are closely concerned is a succession of relatively minor individual actions taken within the limits of defined programs. Most or perhaps all of these activities in turn involve only the offering of technical advice to farmers, local government bodies, and other land occupiers, and to consulting specialists dealing with land and conservation problems—they do not involve SCS in any decisionmaking function, control responsibility, or financial support of the projects involved. There would seem to be no need for SCS filing on these individual projects, as the NEPA requirements, if any, should be met by the parties responsible for the respective projects. Thus, these activities as a whole might be covered by an SCS "Program EIS" applicable nation-wide, perhaps with appropriate subdivisions to identify particular classes of activity."

Response: We agree. It is SCS's intent to prepare program EIS's for such activities. The need for preparing program EIS's is addressed in § 650.7(b). We feel that SCS has a responsibility to call attention to legislated environmental constraints to those being provided technical assistance. These constraints such as wetlands, floodplains, and cultural resources will be addressed during the environmental evaluation. In its rules, SCS has included definitions of project and nonproject actions to emphasize that most SCS assistance is technical assistance to nonproject actions largely on nonfederal lands.

Comment 23: Another comment stated, that a similar approach might be appropriate where SCS or a conservation district has approval authority, such as the technical features of farm projects for which ASCS grants cost-sharing funds. Obviously the main NEPA filing on this should be by ASCS.

Response: Agriculture Stabilization and Conservation Service (ASCS) has a program EIS on the Agricultural Conservation (ACP) cost-sharing program. The NEPA filing referred to involves cost sharing only where ASCS is the lead agency and SCS is a cooperating agency. SCS is the lead agency for the technical assistance portion of the ACP cost sharing program and plans to prepare a program EIS for its technical assistance program. The roles of the lead agency and cooperating agencies are further addressed in § 650.9.

Comment 24: One comment indicated that where a project sponsor is required to file an EIS under state environmental policy rules, a Federal agency should not have to duplicate the process.

Response: We have revised § 650.10(a) to include adoption of an EIS by another Federal or State agency if it meets the requirements of the CEQ regulations and SCS-NEPA procedures. Further guidance on the Adoption of EIS's is given in 40 CFR 1506.3.

Having considered the comments reviewed and other relevant information, the SCS Administrator concludes that the proposed rules, with changes should be adopted as set forth below. Accordingly Title 7, Chapter VI, Subchapter F, Part 650, Subpart A is hereby amended and will be effective August 29, 1979.

(Catalog of Federal Domestic assistance programs numbered 10.900 through 10.908 National Archive Reference Services)

Dated: August 13, 1979.

R. M. Davis,
Administrator, Soil Conservation Service.

Subpart A—Procedures for SCS-Assisted Programs

- Sec.
- 650.1 Purpose.
 - 650.2 Applicability.
 - 650.3 Policy.
 - 650.4 Definition of terms.
 - 650.5 Environmental evaluation in planning.
 - 650.6 Categorical exclusions.
 - 650.7 When to prepare an EIS.
 - 650.8 When to prepare an environmental assessment (EA).
 - 650.9 NEPA and interagency planning.
 - 650.10 Adoption of an EIS prepared by a cooperating agency.
 - 650.11 Environmental documents.
 - 650.12 SCS decisionmaking.
 - 650.13 Review and comment.

Authority: 42 U.S.C. 4321 et seq.; Executive Order 11514 (Rev.); 16 U.S.C. 1001-1008; 7 U.S.C. 1010-1011; 16 U.S.C. 590 a-f, q; 7 CFR 2.62.

Subpart A—Procedures for SCS-Assisted Programs

§ 650.1 Purpose.

(a) This rule prescribes procedures by which SCS is to implement the provisions of NEPA. The Soil Conservation Service recognizes NEPA as the national charter for protection, restoration, and enhancement of the human environment. NEPA establishes policy, sets goals (Section 101), and provides means (Section 102) for carrying out this policy.

(b) The procedures included in this rule supplement CEQ's NEPA regulations, 40 CFR 1500-1508. CEQ regulations that need no additional elaboration to address SCS-assisted actions are not repeated in this rule, although the regulations are cited as references. The procedures include some overlap with CEQ regulations. This is done to highlight items of importance for SCS. This does not supersede the existing body of NEPA regulations.

(c) These procedures provide that—

(1) Environmental information is to be available to citizens before decisions are made about actions that significantly affect the human environment;

(2) SCS-assisted actions are to be supported to the extent possible by accurate scientific analyses that are technically acceptable to SCS;

(3) SCS-prepared NEPA documents are to be available for public scrutiny; and

(4) Documents are to concentrate on the issues that are timely and significant to the action in question rather than amassing needless detail.

(d) Procedures for implementing NEPA are designed to insure that environmental consequences are considered in decisionmaking. They allow SCS to assist individuals and nonfederal public entities to take actions that protect, enhance, and restore environmental quality.

(e) These procedures make possible the early identification of actions that have significant effects on the human environment to avoid delays in decisionmaking.

§ 650.2 Applicability.

This rule applies to all SCS-assisted programs including the uninstalled parts of approved projects that are not covered by environmental documents prepared under previous rules for compliance with NEPA. It is effective on the date of publication of the final rule. SCS is to consult with CEQ in the manner prescribed by 40 CFR 1506.11 if it is necessary to take emergency actions.

§ 650 Policy.

(a) *SCS mission.* The SCS mission is to provide assistance that will allow use and management of ecological, cultural, natural, physical, social, and economic resources by striving for a balance between use, management, conservation, and preservation of the Nation's natural resource base. The SCS mission is reemphasized and expanded to carry out the mandate of § 101(b) of NEPA, within other legislative constraints, in all its programs of Federal assistance. SCS will continue to improve and coordinate its plans, functions, programs, and recommendations on resource use so that Americans, as stewards of the environment for succeeding generations—

(1) Can maintain safe, healthful, productive, and esthetically and culturally pleasing surroundings that support diversity of individual choices; and

(2) Are encouraged to attain the widest range of beneficial uses of soil, water, and related resources without degradation to the environment, risk to health or safety, or other undesirable and unintended consequences.

(b) *SCS environmental policy.* SCS is to administer Federal assistance within the following overall environmental policies:

(1) Provide assistance to Americans that will motivate them to maintain equilibrium among their ecological, cultural, natural, physical, social, and economic resources by striving for a balance between conserving and

preserving the Nation's natural resource base.

(2) Provide technical and financial assistance through a systematic interdisciplinary approach to planning and decisionmaking to insure a balance between the natural, physical, and social sciences.

(3) Consider environmental quality equal to economic, social, and other factors in decisionmaking.

(4) Insure that plans satisfy identified needs and at the same time minimize adverse effects of planned actions on the human environment through interdisciplinary planning before providing technical and financial assistance.

(5) Counsel with highly qualified and experienced specialists from within and outside SCS in many technical fields as needed.

(6) Encourage broad public participation in defining environmental quality objectives and needs.

(7) Identify and make provisions for detailed survey, recovery, protection, or preservation of unique cultural resources that otherwise may be irrevocably lost or destroyed by SCS-assisted project actions, as required by Historic Preservation legislation and/or Executive Order.

(8) Encourage local sponsors to review with interested publics the operation and maintenance programs of completed projects to insure that environmental quality is not degraded.

(9) Advocate the retention of important farmlands and forestlands, prime rangeland, wetlands, or other lands designated by State or local governments whenever proposed conversions are caused or encouraged by actions or programs of a Federal agency, licensed by or require approval by a Federal agency, or are inconsistent with local or State government plans. Provisions are to be sought to insure that such lands are not irreversibly converted to other uses unless other national interests override the importance of preservation or otherwise outweigh the environmental benefits derived from their protection. In addition, the preservation of farmland in general provides the benefits of open space, protection of scenery, wildlife habitat, and in some cases, recreation opportunities and controls on urban sprawl.

(10) Advocate actions that reduce the risk of flood loss; minimize effects of floods on human safety, health, and welfare; and restore and preserve the natural and beneficial functions and values of flood plains.

(11) Advocate and assist in the reclamation of abandoned surface-

mined lands and in planning for the extraction of coal and other nonrenewable resources to facilitate restoration of the land to its prior productivity as mining is completed.

(12) Advocate the protection of valuable wetlands, threatened and endangered animal and plant species and their habitats, and designated ecosystems.

(13) Advocate the conservation of natural and manmade scenic resources to insure that SCS-assisted programs or activities protect and enhance the visual quality of the landscape.

(14) Advocate and assist in actions to preserve and enhance the quality of the Nation's waters.

§ 650.4 Definition of terms.

Definition of the following terms or phrases appear in 40 CFR 1508, CEQ regulations. These terms are important in the understanding and implementation of this rule. These definitions are not repeated in the interest of reducing duplication:

Categorical exclusion. (40 CFR 1508.4)

Cooperating agency. (40 CFR 1508.5)

Cumulative impact. (40 CFR 1508.7)

Environmental impact statement

(EIS). (40 CFR 1508.11)

Human environment. (40 CFR 1508.14)

Lead agency. (40 CFR 1508.16)

Major Federal action. (40 CFR 1508.18)

Mitigation. (40 CFR 1508.20)

NEPA process. (40 CFR 1508.21)

Scope. (40 CFR 1508.25)

Scoping. (40 CFR 1501.7)

Tiering. (40 CFR 1508.28)

(a) *Channel realignment.* Channel realignment includes the construction of a new channel or a new alignment and may include the clearing, snagging, widening, and/or deepening of the existing channel. (Channel Modification Guidelines, 43 FR 8276).

(b) *Environmental assessment (EA).* (40 CFR 1508.9)

(1) An environmental assessment is a concise public document for which a Federal agency is responsible that—

(i) Briefly provides sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact.

(ii) Aids an agency's compliance with the Act when no environmental impact statement is necessary.

(iii) Facilitates preparation of an environmental impact statement when one is necessary.

(2) An environmental assessment includes brief discussions of the need for the proposal, alternatives as required by section of the environmental impacts of the proposed action and alternatives,

and a list of agencies and persons consulted.

(c) *Environmental evaluation.* The environmental evaluation (EE) (formerly referred to by SCS as an environmental assessment) is the part of planning that inventories and estimates the potential effects on the human environment of alternative solutions to resource problems. A wide range of environmental data together with social and economic information is considered in determining whether a proposed action is a major Federal action significantly affecting the human environment. The environmental evaluation for a program, regulation, or individual action is used to determine the need for an environmental assessment or an environmental impact statement. It also aids in the consideration of alternatives and in the identification of available resources.

(d) *Federally-assisted actions.* These actions are planned and carried out by individuals, groups, or local units of government largely on nonfederal land with technical and/or financial assistance provided by SCS.

(e) *Interdisciplinary planning.* SCS uses an interdisciplinary environmental evaluation and planning approach in which specialists and groups having different technical expertise act as a team to jointly evaluate existing and future environmental quality. The interdisciplinary group considers structure and function of natural resource systems, complexity of problems, and the economic, social, and environmental effects of alternative actions. Public participation is an essential part of effective interdisciplinary planning. Even if an SCS employee provides direct assistance to an individual land user, the basic data used is a result of interdisciplinary development of guide and planning criteria.

(f) *Nonproject actions.* Nonprofit actions consist of technical and/or financial assistance provided to an individual, group, or local unit of government by SCS primarily through a cooperative agreement with a local conservation district, such as land treatment recommended in the Conservation Operations, Great Plains Conservation, Rural Abandoned Mine, and Rural Clean Water Programs. These actions may include consultations, advice, engineering, and other technical assistance that land users usually cannot accomplish by themselves. Nonproject technical and/or financial assistance may result in the land user installing field terraces, waterways, field leveling, onfarm drainage systems, farm ponds, pasture management,

conservation tillage, critical area stabilization, and other conservation practices.

(g) *Notice of intent (NOI)* (40 CFR 1508.22). A notice of intent is a brief statement inviting public reaction to the decision by the responsible Federal official to prepare an EIS for a major Federal action. The notice of intent is to be published in the *Federal Register*, circulated to interested agencies, groups, individuals, and published in one or more newspapers serving the area of the proposed action.

(h) *Project actions.* A project action is a formally planned undertaking that is carried out within a specified area by sponsors for the benefit of the general public. Project sponsors are units of government having the legal authority and resources to install, operate, and/or maintain works of improvement.

(i) *Record of Decision.* (ROD) (40 CFR 1505.2). A record of decision is a concise written rationale by the RFO regarding implementation of a proposed action requiring an environmental impact statement. This was previously defined by SCS as a Statement of Findings (SOF).

(j) *Responsible Federal official (RFO).* The SCS Administrator is the responsible Federal official (RFO) for compliance with NEPA regarding proposed legislation, programs, legislative reports, regulations, and program EIS's. SCS state conservationists (STC's) are the RFO's for compliance with the provisions of NEPA in other SCS-assisted actions.

(k) *Significantly.* (40 CFR 1508.27) "Significantly" as used in NEPA requires considerations of both context and intensity:

(1) *Context.* This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, for a site-specific action, significance usually depends on the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

(2) *Intensity.* This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action.

The following should be considered in evaluating intensity:

(i) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

(ii) The degree to which the proposed action affects public health or safety.

(iii) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

(iv) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

(v) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

(vi) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

(vii) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

(viii) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

(ix) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973 as amended.

(x) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

(l) *Finding of no significant impact (FNSI).* (40 CFR 1508.13) "Finding of No Significant Impact" means a document by a Federal agency briefly presenting the reasons why an action not otherwise excluded (§ 1508.4) will not have a significant effect on the human environment, and an environmental impact statement therefore will not be prepared. It shall include the environmental assessment or a summary of it and shall note any other environmental documents related to it (§ 1501.7(a)(5)). If the assessment is included, the finding need not repeat any of the discussion in the assessment but may incorporate it by reference.

§ 650.5 Environmental evaluation in planning.

(a) *General.* Environmental evaluation (EE) integrates environmental concerns throughout the planning, installation, and operation of SCS-assisted projects. The EE applies to all assistance provided by SCS, but planning intensity, public involvement, and documentation of actions vary according to the scope of the action. SCS begins consideration of environmental concerns when information gathered during the environmental evaluation is used:

(1) To identify environmental concerns that may be affected, gather baseline data, and predict effects of alternative courses of actions;

(2) To provide data to applicants for use in establishing objectives commensurate with the scope and complexity of the proposed action;

(3) To assist in the development of alternative courses of action; (40 CFR 1502.14). In SCS-assisted project actions, nonstructural, water conservation, and other alternatives that are in keeping with the Water Resources Council's Principles and Standards are considered, if appropriate.

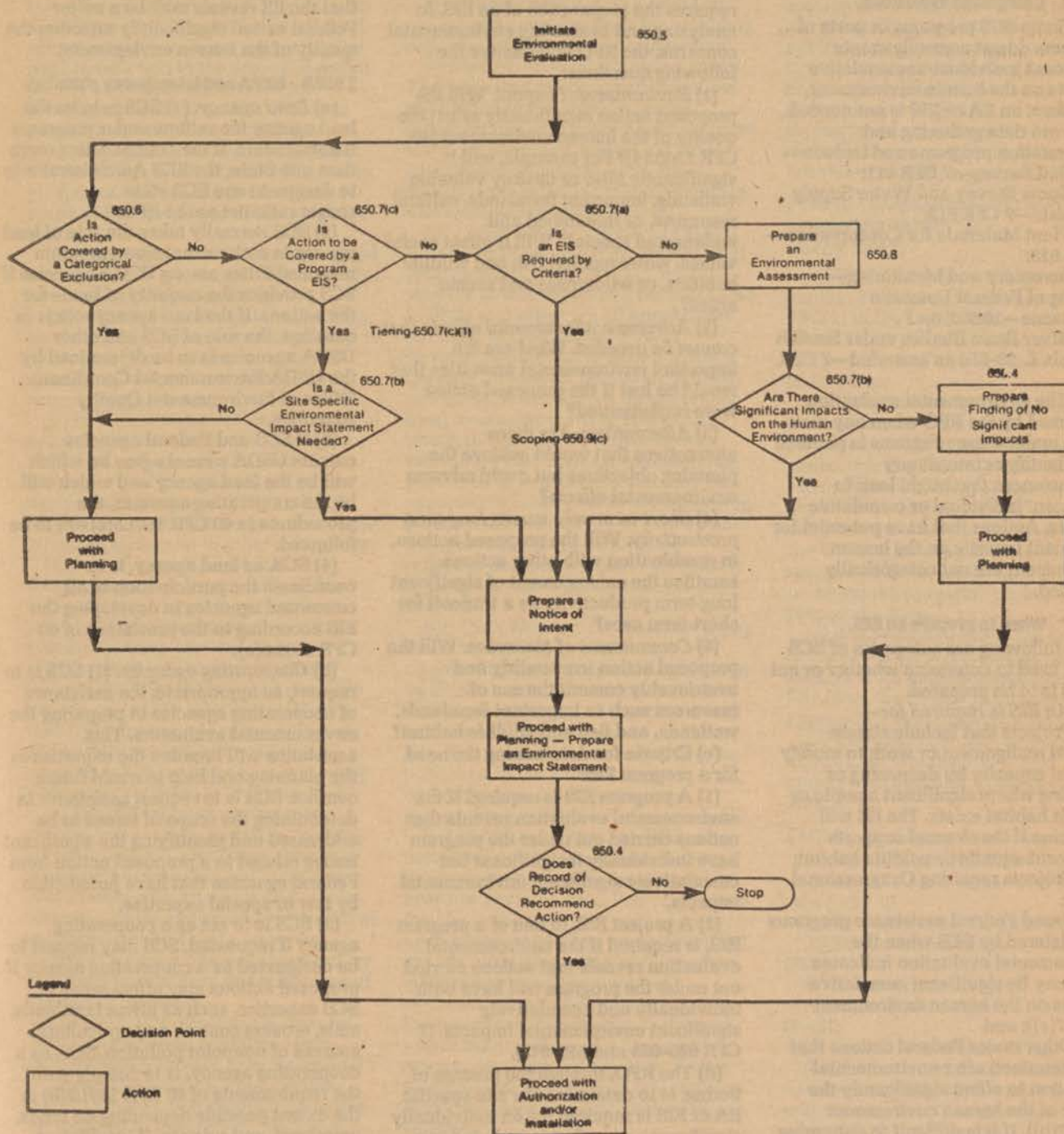
(4) To perform other related investigations and analyses as needed, including economic evaluation, engineering investigations, etc.

(5) To assist in the development of detailed plans for implementation and operation and maintenance.

(b) *Procedures.* SCS's Guide for Environmental Assessment issued in March 1977 and published in the *Federal Register* on August 8, 1977, provides guidance for conducting an environmental evaluation. (42 FR 40123-40167).

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(c) *Decision points.* Figure 1 illustrates the decision points for compliance with NEPA in SCS decisionmaking.

§ 650.6 Categorical exclusions.

(a) Some SCS programs or parts of programs do not normally create significant individual or cumulative impacts on the human environment. Therefore, an EA or EIS is not needed. These are data gathering and interpretation programs and include—

- (1) Soil Survey—7 CFR 611;
- (2) Snow Survey and Water Supply Forecasts—7 CFR 612;
- (3) Plant Materials for Conservation—7 CFR 613;
- (4) Inventory and Monitoring—Catalog of Federal Domestic Assistance—10.908; and
- (5) River Basin Studies under Section 6 of Pub. L. 83-566 as amended—7 CFR 621.

(b) The environmental evaluation performed by the RFO when any new action under these programs is planned is to identify extraordinary circumstances that might lead to significant individual or cumulative impacts. Actions that have potential for significant impacts on the human environment are not categorically excluded.

§ 650.7 When to prepare an EIS.

The following are categories of SCS action used to determine whether or not an EIS is to be prepared.

(a) *An EIS is required for—*

(1) Projects that include stream channel realignment or work to modify channel capacity by deepening or widening where significant aquatic or wildlife habitat exists. The EE will determine if the channel supports significant aquatic or wildlife habitat;

(2) Projects requiring Congressional action;

(3) Broad Federal assistance programs administered by SCS when the environmental evaluation indicates there may be significant cumulative impacts on the human environment (§ 650.7(e)); and

(4) Other major Federal actions that are determined after environmental evaluation to affect significantly the quality of the human environment (§ 650.7(b)). If it is difficult to determine whether there is a significant impact on the human environment, it may be necessary to complete the EE and prepare an EA in order to decide if an EIS is required.

(b) The RFO is to determine the need for an EIS for each action, program, or regulation. An environmental evaluation, using a systematic interdisciplinary analysis and

evaluation of data and information responding to the five provisions of Section 102(2)(C) of NEPA, will assist the RFO in deciding if the action requires the preparation of an EIS. In analyzing and evaluating environmental concerns, the RFO will answer the following questions:

(1) *Environmental impact.* Will the proposed action significantly affect the quality of the human environment (40 CFR 1508.14)? For example, will it significantly alter or destroy valuable wetlands, important farmlands, cultural resources, or threatened and endangered species? Will it affect social values, water quality, fish and wildlife habitats, or wilderness and scenic areas?

(2) *Adverse environmental effects that cannot be avoided.* What are the important environmental amenities that would be lost if the proposed action were implemented?

(3) *Alternatives.* Are there alternatives that would achieve the planning objectives but avoid adverse environmental effects?

(4) *Short-term uses versus long-term productivity.* Will the proposed actions, in combination with other actions, sacrifice the enhancement of significant long-term productivity as a tradeoff for short-term uses?

(5) *Commitment of resources.* Will the proposed action irreversibly and irretrievably commit the use of resources such as important farmlands, wetlands, and fish and wildlife habitat?

(c) Criteria for determining the need for a program EIS:

(1) A program EIS is required if the environmental evaluation reveals that actions carried out under the program have individually insignificant but cumulatively significant environmental impacts.

(2) A project EIS, in lieu of a program EIS, is required if the environmental evaluation reveals that actions carried out under the program will have both individually and cumulatively significant environmental impacts. (7 CFR 620-623 and 640-643).

(d) The RFO, through the process of tiering, is to determine if a site-specific EA or EIS is required for an individually significant action that is included in a program EIS.

§ 650.8 When to prepare an environmental assessment (EA).

An environmental assessment (EA) is to be prepared for—

(a) Land and water resource projects that are not included in § 650.7(a) (1) through (4) for which State and local units of government receive Federal

technical and financial assistance from SCS (7 CFR 620-623; and 640-643); and

(b) Other actions not included in a program EIS nor categorically excluded that the EE reveals may be a major Federal action significantly affecting the quality of the human environment.

§ 650.9 NEPA and interagency planning.

(a) *Lead agency.* (1) SCS is to be the lead agency for actions under programs it administers. If the actions affect more than one State, the SCS Administrator is to designate one SCS state conservationist as the RFO.

(2) SCS normally takes the role of lead agency in actions that share program responsibilities among USDA agencies if SCS provides the majority of funds for the actions. If the lead agency role is in question, the role of SCS and other USDA agencies is to be determined by the USDA Environmental Coordinator, Office of Environmental Quality Activities.

(3) If SCS and Federal agencies outside USDA cannot agree on which will be the lead agency and which will be the cooperating agencies, the procedures in 40 CFR 1501.5(e) are to be followed.

(4) SCS, as lead agency, is to coordinate the participation of all concerned agencies in developing the EIS according to the provisions of 40 CFR 1501.6(a).

(b) *Cooperating agencies.* (1) SCS is to request, as appropriate, the assistance of cooperating agencies in preparing the environmental evaluation. This assistance will broaden the expertise in the planning and help to avoid future conflict. SCS is to request assistance in determining the scope of issues to be addressed and identifying the significant issues related to a proposed action from Federal agencies that have jurisdiction by law or special expertise.

(2) SCS is to act as a cooperating agency if requested. SCS may request to be designated as a cooperating agency if proposed actions may affect areas of SCS expertise, such as prime farmlands, soils, erosion control, and agricultural sources of nonpoint pollution. SCS, as a cooperating agency, is to comply with the requirements of 40 CFR 1501.6(b) to the extent possible depending on funds, personnel, and priority. If insufficient funds or other resources prevent SCS from participating fully as a cooperating agency, SCS is to request the lead agency to provide funds or other resources which will allow full participation.

(c) *Scoping.* See 40 CFR 1501.7 for a definition of scoping.

(1) SCS is to use scoping to identify and categorize significant environmental

issues in its environmental evaluation. Formalized scoping is used to insure that an analytical EIS can be prepared that will reduce paperwork and avoid delay. Scoping allows SCS to obtain the assistance and consultation of affected agencies that have special expertise or legal jurisdiction in the proposed action. If early environmental evaluation identifies a need for an EIS, SCS is to publish a notice of intent (NOI) to prepare an EIS. The NOI is to request the assistance of all interested agencies, groups, and persons in determining the scope of the evaluation of the proposed action.

(2) Normally a scoping meeting is held and Federal, State, or local agencies that have special expertise or legal jurisdiction in resource values that may be significantly affected are requested to participate. The scoping meeting will identify agencies that may become cooperating agencies.

(3) In the scoping meeting, the range of actions, alternatives, and impacts to be evaluated and included in the EIS as defined in (40 CFR 1508.25) are to be determined. Tiering (40 CFR 1508.28) may be used to define the relation of the proposed statement to other statements.

(4) Periodic meetings of the cooperating agencies are to be held at important decisionmaking points to provide timely interagency, interdisciplinary participation.

(5) Scoping is to include the items listed in 40 CFR 1501.7(a) and may also include any of the activities in 40 CFR 1501.7(b). Appropriate, timely requests and notification are to be made to promote public participation in scoping in accordance with (d) of this section.

(6) The RFO through the scoping process will set time and page limits as prescribed in 40 CFR 1501.8. Time and page limits are established by SCS in consultation with sponsors and others according to the projected availability of resources. The RFO is to make the applicant aware of the possible need for revising time and page limits because of changes in resources.

(d) *Public participation.* (1) *General.* Public participation activities begin early in the EE and are to be appropriate to the proposed action. For example, extensive public participation activities are required in the implementation of new programs and project actions, but limited public participation is appropriate for nonproject technical and financial assistance programs on nonfederal land.

(2) *Early public involvement.* The public is to be invited and encouraged to participate in the early stages of planning, including the consideration of the potential effects of SCS-assisted

actions on significant environmental resources such as wetlands, flood plains, cultural values, endangered species, important farmland.

(3) *Project activities.* The following are general considerations for providing opportunities for public participation:

(i) *Identification of interested public.* The interested public consisting of but not limited to individuals, groups, organizations, and government agencies are to be identified, sought out, and encouraged to participate in and contribute to interdisciplinary planning and environmental evaluation.

(ii) *Public notices.* (40 CFR 1506.6) If the effects of an action are primarily of local concern, notice of each public meeting or hearing should be: Submitted to State and areawide clearinghouses pursuant to OMB Circular A-95 (revised); submitted to Indian tribes if they are interested; published in local newspapers; distributed through other local media; provided to potentially interested community organizations including small business associations; published in newsletters that may be expected to reach potentially interested persons; mailed directly to owners and occupants of nearby or affected property; and posted onsite and offsite in the area where the action is to be located.

(iii) *State statutes.* If official action by the local units of government cooperating in the proposal is governed by State statute, the public notice and mailing requirement of the statute is to be followed. If the effects of an action are of national concern, notice is to be published in the *Federal Register* and mailed to national organizations reasonably expected to be interested.

(iv) *Public meetings.* The RFO, after consultation with the sponsors, is to determine when public meetings or hearings are to be held. Public meetings may be in the form of a workshop, tour, open house, etc. Public involvement will include early discussion of flood-plain management and protection of wetlands, where appropriate. Environmental information is to be presented and discussed along with other appropriate information. To the extent practical, pertinent information should be made available before the meetings.

(v) *Documentation.* The RFO is to maintain a reviewable record of public participation in the environmental evaluation process.

(4) *Nonproject activities.* Public participation in the planning and application of conservation practices with individual land users is accomplished primarily through conservation districts. These districts

are governed by boards of supervisors directors, commissioners, etc., who are elected and/or appointed to insure that soil, water, related resources, and environmental qualities in the district are maintained and improved. The public is to be encouraged to participate in the development of long-range district programs and district annual plans. The district keeps the public informed through public meetings, district newsletters, news stories, radio and television programs, and annual reports.

§ 650.10 Adoption of an EIS prepared by a cooperating agency.

(40 CFR 1506.3)

(a) If SCS adopts an EIS prepared by another Federal or State agency, the RFO is to review the document to insure that it meets the requirements of the CEQ regulations and SCS-NEPA procedures.

(b) If the actions included in the EIS are substantially the same as those proposed by SCS, the RFO is to recirculate the EIS as "final." The final EIS is to include an appropriate explanation of the action. If these actions are not substantially the same, the EIS is to be supplemented and recirculated as a draft EIS. The RFO is to inform the preparing agency of the proposed action.

(c) If the adopted EIS is not final, if it is the subject of a referral under 40 CFR 1504, or if the statement's adequacy is in litigation, the RFO is to include an appropriate explanation in the EIS.

(d) The RFO is to take appropriate action to inform the public and appropriate agencies of the proposed action.

§ 650.11 Environmental documents.

(a) SCS is to use the following documents in compliance with NEPA (see § 650.4):

- (1) Environmental assessments (EA)
- (2) Environmental impact statements (EIS)
- (3) Notice of intent (NOI)
- (4) Finding of no significant impact (FNSI)
- (5) Record of decision (ROD)

(b) The format and content of each document is to be appropriate to the action being considered and consistent with the CEQ regulations.

(1) To reduce duplication, SCS may combine environmental documents with other planning documents of the same proposal, as appropriate. For example, SCS, in consultation with CEQ and the office of the Secretary of Agriculture, has determined that each EIS is to satisfy the requirements for a regulatory impact analysis as required by Executive Order 12044. This may

necessitate modifying the recommended CEQ format. If documents are combined, the RFO is to include the information and sections required by the CEQ regulations (40 CFR 1502.10). The environmental impact statement should indicate those considerations, including factors not related to environmental quality, that are likely to be relevant to a decision.

(2) The RFO is to establish the format and content of each document giving full consideration to the guidance and requirements of the CEQ regulations. The SCS technical service center director is to provide guidance and concurrence on the format and content if the SCS state conservationist is the RFO. The results of scoping are to determine the content of the EA or the EIS and the amount of detail needed to analyze the impacts.

(3) In addition to the minimum requirements of the CEQ regulations (40 CFR 1502.10), environmental assessments and environmental impact statements are to include—

(i) A brief description of public participation activities of agencies, groups, and individuals during the environmental evaluation;

(ii) A description of the hazard potential of each alternative, including an explanation of the rationale for dam classification and the risk of dam failure from overtopping for other causes;

(iii) Information identifying any approved regional plans for water resource management in the study area (40 CFR 1506.2(d)) and a statement on whether the proposed project is consistent with such plans;

(iv) All Federal permits, licenses, and other entitlements that must be obtained (40 CFR 1502.25(b)); and

(v) A brief description of major environmental problems, conflicts, and disagreements among groups and agencies and how they were resolved. Unresolved conflicts and the SCS's proposal for resolving the disagreements before the project is implemented are to be summarized.

(4) *Letters of comment and responses.* (40 CFR 1503.4, 1502.9(b)) Letters of comment that were received and the responses to these comments are to be appended to the final EIS. Opposing views and other substantive comments that were not adequately discussed in the draft EIS are to be incorporated in the final EIS.

(5) *Appendix.* The RFO may use an appendix to an EA or EIS. If an appendix is too voluminous to be circulated with the EIS, the RFO is to make it available on request. If an appendix is included it is to—

(i) Meet the requirements of 40 CFR 1502.18;

(ii) Identify any methodologies used (40 CFR 1502.24) and make explicit reference to other sources relied on for conclusions; and

(iii) Briefly describe the relationship between the benefit-cost analysis and any analyses of unquantified environmental impacts, values, and amenities. "For purposes of complying with the Act, *the weighing of the merits or drawbacks of the various alternatives need not be displayed in a monetary cost benefit and should not be when these are important qualitative considerations.*" (40 CFR 1502.23).

§ 650.12 SCS decisionmaking.

(a) *General.* The purpose of these procedures is to insure that environmental information is provided to decision makers in a timely manner. The NEPA process is a part of SCS decisionmaking. The RFO is to insure that the policies and purposes of NEPA and CEQ regulations are complied with in SCS decisionmaking by:

(1) Including in all decision documents and supporting environmental documents a discussion of all alternatives considered in the decision. Alternatives to be considered in reaching a decision will be available to the public.

(2) Submitting relevant environmental documents, comments, and responses with other decision documents through the review process.

(3) Including in the record of formal rulemaking or adjudicatory proceedings relevant environmental documents, comments and responses.

(4) Providing for pre- and post-project monitoring (40 CFR 1505.2(c), 1505.3) and evaluation in representative projects to insure that planning and evaluation procedures are performed according to sound criteria.

(b) *Decision points in SCS-assisted projects.* SCS administers programs that may have a significant effect on the human environment. Program procedures incorporate provisions for compliance with NEPA and for providing environmental information to the public, other agencies, and decision makers in a timely manner. SCS provides technical and financial assistance for projects under the Watershed Protection and Flood Prevention and the Resource Conservation and Development (RC&D) programs. These usually require the preparation of project EA's or EIS's. The major decisionmaking points and their relation to NEPA compliance are as follows:

(1) For Watershed Protection and Flood Prevention projects:

(i) Application for assistance by the sponsoring local organization (SLO).

(ii) A preauthorization report identifying goals, alternatives, and effects of alternatives (including environmental impacts) prepared by the RFO and submitted to the applicant for decision. It is circulated to local, State, and Federal agencies and public comment is solicited. A decision is made to stop planning assistance or to develop a watershed plan.

(iii) Granting of planning authorization by the Administrator. The RFO must provide an evaluation of the potential environmental impacts to obtain the authorization.

(iv) A watershed agreement between the SLO and SCS. The agreement is based on a completed watershed plan and associated environmental documents, which have been adequately reviewed within SCS.

(v) A project agreement between the SLO and the RFO executed after the NEPA process is complete and the watershed plan has been approved and final plans and specifications have been developed.

(2) For RC&D measure plans:

(i) A request for assistance (measure proposal) is reviewed by the RC&D council to insure that the proposal is in accordance with the RC&D area plan. The proposal is then referred to SCS.

(ii) A preliminary report is prepared by the RFO to identify goals, alternatives, and effects (including environmental impacts). The report is submitted to the sponsor for review. The sponsor may then apply to SCS for planning assistance for measures considered in the preliminary report.

(iii) An authorization for planning assistance is granted by the RFO.

(iv) The RC&D measure plan is signed by the applicant and the RFO after the preparation and review of the measure plan and environmental documents.

(v) A project agreement is signed between the applicant and the RFO after the NEPA process is complete, the measure plan has been approved, and final plans and specifications have been prepared.

(c) *Record of decision.* (1) *EIS's.* The RFO is to prepare a concise record of decision (ROD) for actions requiring an EIS. The record of decision is to be prepared and signed by the RFO following the 30-day administrative action period initiated by the EPA's publication of the notice of availability of the final EIS in the Federal Register. It is to serve as the public record of decision as described in 40 CFR 1505.2 of the CEQ regulations. The ROD is to

be distributed to all who provided substantive comments on the draft EIS and all others who request it. A notice of availability of the ROD will be published in the *Federal Register* and local newspaper(s) serving the project area. The RFO may choose to publish the entire ROD.

(2) *Environmental Assessments (EA)*. If the EA indicates that the proposed action is not a major Federal action significantly affecting the quality of the human environment, the RFO is to prepare a finding of no significant impact (FNSI).

(3) *Distribution and publication of the FNSI (§ 1506.6(b))*. The RFO is to distribute the FNSI to interested agencies and individuals. Notice of its availability is to be published in the *Federal Register* and in one or more newspapers serving the area of the proposed action. Single copy requests for the document are to be filled without charge. A charge may be made for multiple copies. Implementing action is not to be initiated for 30 days after the notice of availability of the FNSI has been published in the *Federal Register*.

(d) *Changes in actions*. When it appears that a project or other action needs to be changed, the RFO will perform an environmental evaluation of the authorized action before making a change.

§ 650.13 Review and comment.

In addition to the requirements of 40 CFR 1503, 1506.10 and 1506.11, SCS will take the following steps in distributing EIS's for review and comment:

(a) *Draft EIS's*. Five copies of the draft EIS are to be filed by the RFO with the Office of Environmental Review, A-104, Environmental Protection Agency (EPA), Washington, D.C. At the same time, the RFO is to send copies of the draft EIS to the following:

(1) *Other Federal agencies*. The regional office of EPA and other agencies that have jurisdiction by law or special expertise with respect to any environmental effect, other Federal agencies (including appropriate field and regional offices), and affected Indian tribes.

(2) *State and local agencies*. OMB Circular No. A-95 (Revised), through its system of State and area-wide clearinghouses, provides a means for obtaining the views of State and local environmental agencies that can assist in the preparation and review of EIS's.

(3) *Organizations, groups, and individuals*. A copy of the draft EIS is to be sent to the appropriate official of each organization or group and each individual of the interested public (§ 650.9(d)(3)(i)) and to others as

requested. A charge may be made for multiple copy requests.

(b) *Time period for comment*. The time period for review ends 45 days after the date EPA publishes the notice of public availability of the draft in the *Federal Register*. A 15-day-extension of time for review and comment is to be considered by the RFO when such requests are submitted in writing. If neither comments nor a request for an extension is received at the end of the 45-day period, it is to be presumed that the agency or party from whom comments were requested has no comments to make.

(c) *News releases*. In addition to the notice of availability published in the *Federal Register* by EPA, the RFO is to announce the availability of the draft EIS in one or more newspapers serving the area.

(d) *Revising a draft EIS*. If significant changes in the proposed action are made as a result of comments on the draft EIS, a revised draft EIS may be necessary. The revised draft EIS is to be recirculated for comment in the same manner as a draft EIS.

(e) *Final EIS's*. After the review period for the draft EIS, the RFO is to prepare a final EIS, making adjustments where necessary by taking into consideration and responding to significant comments and opposing viewpoints received on the draft EIS. The following steps are to be taken in filing and distributing the final EIS:

(1) Letters of comment are to be appended to the final EIS. If numerous repetitive responses are received, summaries of the repetitive comments and a list of the groups or individuals who commented may be appended in lieu of the actual letter.

(2) The RFO is to send five copies of the final EIS to EPA's Office of Environmental Review, and a copy of the final EIS to each State and Federal agency, organization, group, and individual who commented on the draft EIS. Single copy requests for copies of the final EIS will be provided without charge. A charge may be made for multiple copy requests.

(3) During the 30-day administrative action period noted in § 650.12(c), SCS will make its final EIS available to the public (40 CFR 1506.10).

(f) *Supplements to EIS's*. (1) If SCS determines that it is necessary to clarify or amplify a point of concern raised after the final EIS is filed, appropriate clarification or amplification is to be sent to EPA with information copies furnished to those who received copies of the final EIS. The waiting periods do not apply.

(2) If the RFO determines that the final EIS or supplement to the original EIS previously filed becomes inadequate because of a major change in the plan for the proposed action that significantly affects the quality of the human environment, a new EIS is to be prepared, filed, and distributed as described in this section.

[FR Doc. 79-28221 Filed 8-28-79; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 103

Designation of Aircraft Pilots and Helicopter Pilots as Immigration Officers

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This order amends the regulations of the Immigration and Naturalization Service to add aircraft pilots and helicopter pilots to the listing of Service personnel who are designated as immigration officers. The amendment is necessary and intended to add those officers to the listing of Service employees who are designated as immigration officers which is published in the Code of Federal Regulations.

EFFECTIVE DATE: August 29, 1979.

FOR FURTHER INFORMATION CONTACT: James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service. Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: This is an amendment to 8 CFR 103.1(q) to add aircraft pilots and helicopter pilots to the list of immigration officers contained in the Service regulations. These officers are being listed because when they are not piloting airplanes and/or helicopters, they are engaged in performing other functions in connection with enforcement of the Immigration and Nationality Act for which this designation is necessary. Therefore, Chapter I of Title 8 of the Code of Federal Regulations is hereby amended as set forth below.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

In Part 103, § 103.1(q) is amended by adding "aircraft pilot" and "helicopter pilot" to the listing of officers enumerated in that paragraph. As amended, 8 CFR 103.1(q) reads as follows:

§ 103.1 Delegations of authority.

(q) *Immigration officer.* Any immigration inspector, immigration examiner, border patrol agent, aircraft pilot, airplane pilot, helicopter pilot, deportation officer, detention officer, detention guard, investigator, general attorney (nationality), paralegal specialist, trial attorney (immigration), general attorney (immigration), or supervisory officer of such employees is hereby designated as an immigration officer authorized to exercise the powers and duties of such officer as specified by the Act, or this chapter.

(Sec. 103 (8 U.S.C. 1103))

The amendment set forth in this order is published pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383) as amended by Pub. L. 93-502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b) and 8 CFR 2.1. Compliance with the provisions of 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance because the amendment pertains to agency organization and management.

Effective date: This amendment becomes effective on August 29, 1979.

Dated: August 24, 1979.

Leonel J. Castillo,
Commissioner of Immigration and Naturalization.

[FR Doc. 79-26972 Filed 8-29-79; 8:45 am]
BILLING CODE 4410-10-M

DEPARTMENT OF ENERGY**10 CFR Part 205****Administrative Procedures and Sanctions; 1979 Interpretations of the General Counsel**

AGENCY: Department of Energy.

ACTION: Notice of Interpretations.

SUMMARY: Attached are the interpretations and responses to petitions for reconsiderations issued by the Office of General Counsel of the Department of Energy under 10 CFR Part 205, Subpart F, during the period July 1, 1979, through July 31, 1979. Appendix C identifies those requests for interpretation which have been dismissed during the same period.

FOR FURTHER INFORMATION CONTACT: Diane Stubbs, Office of General Counsel, Department of Energy, 12th & Pennsylvania Avenue, NW., Room 1121, Washington, D.C. 20461 (202) 633-9070.

SUPPLEMENTARY INFORMATION:

Interpretations issued pursuant to 10 CFR Part 205, Subpart F, are published in the Federal Register in accordance with the editorial and classification criteria set forth in 42 FR 7923 (February 8, 1977), as modified in 42 FR 46270 (September 15, 1977).

These interpretations depend for their authority on the accuracy of the factual statement used as a basis for the interpretation (10 CFR 205.84(a)(2)) and may be rescinded or modified at any time (§ 205.85(d)). Only the persons to whom interpretations are addressed and other persons upon whom interpretations are served are entitled to rely on them (§ 205.85(c)). An interpretation is modified by a subsequent amendment to the regulation(s) or ruling(s) interpreted thereby to the extent that the

interpretation is inconsistent with the amended regulation(s) or ruling(s) (§ 205.85(e)). The interpretations published below are not subject to appeal.

The responses to petitions for reconsideration published herein have been issued in accordance with the provisions set forth in 10 CFR 205.85(f). It should be emphasized that the reconsideration procedure is not the equivalent of an administrative appeal, but merely provides a mechanism to insure that no inadvertent errors are made which affect the validity of the interpretation.

Issued in Washington, D.C., August 17, 1979.

Everard A. Marseglia, Jr.,
Assistant General Counsel for Interpretations and Rulings, Office of General Counsel.

Appendix A.—Interpretations

No.	To	Date	Category	File No.
1979-15	Ethyl Corp.	July 30	Allocation	A-411
1979-16	Semrock California, Inc. and LIG-California, Inc.	July 31	Price & Allocation	A-373

Interpretation 1979-15

To: Ethyl Corporation
Regulations Interpreted: 10 CFR 211.103(c)(1), 211.51
Code: GCW—AI—Allocation Levels, Definition of "Energy Production"

Facts

The Ethyl Corporation (Ethyl) is a firm engaged in, among other things, the development and manufacture of additives for motor gasoline. Ethyl has filed a request for interpretation of the Mandatory Petroleum Allocation Regulations, 10 CFR Part 211, which relates to the characterization of certain of Ethyl's activities as "energy production" and the firm's entitlement to purchase motor gasoline. In order to conduct extensive automobile fleet tests of new "energy-extending antiknock mixtures," Ethyl states that its Detroit Research Laboratories would require 165,000 gallons of motor gasoline which have been certified as having met certain quality specifications. This motor gasoline is needed to conduct emission studies and to test the performance of its "energy extender." The volume of gasoline which Ethyl seeks is a considerable increase over its purchases during the base period (November 1977–October 1978).

Ethyl is a "bulk purchaser" of motor gasoline as that term is defined in 10 CFR 211.102. The allocation levels applicable to bulk purchasers of motor gasoline are governed by § 211.103,¹ which provides that

such firms are entitled to purchase motor gasoline for certain specified uses under an allocation level in reference to usage during the applicable base period. The first priority uses give rise to an entitlement to receive an allocation level not subject to an allocation fraction, and the second priority uses give rise to an allocation level subject to an allocation fraction.

A firm engaged in "energy production," as that term is defined in § 211.51, is a first priority use and is entitled to receive from its supplier 100 percent of base period use for that activity. Section 211.103(c)(2) sets forth four other motor gasoline uses that qualify for 100 percent of base period use as reduced by application of an allocation fraction.

Ethyl asserts that the "energy-extender" additive boosts the octane of motor gasoline without consuming as much refinery fuel as is normally consumed in the refining process and without unnecessarily reducing the refinery gasoline yield in its manufacture. Therefore, the firm contends that its use of testing gasoline qualifies as energy production as defined at § 211.51.

Issue

Does the use of motor gasoline by the Ethyl Corporation's Detroit Research Laboratories for fleet testing of "energy-extending antiknock mixtures" constitute "energy

¹ At the time that Ethyl submitted its request for interpretation firms engaged in priority uses were entitled to an allocation level of 100 percent of total current requirements of motor gasoline as reduced

by application of the allocation fraction. Effective August 1, 1979, the allocation regulations provide that priority uses entitle a firm to receive from its supplier 100 percent of base period use. See 44 FR 42545 (July 19, 1979).

production" as that term is defined in § 211.51?

Discussion

For the reasons discussed below, the Department of Energy (DOE) concludes that Ethyl's use of motor gasoline for fleet testing of "energy-extending antiknock mixtures" does not constitute "energy production" as that term is defined in § 211.51.

"Energy production" is defined in § 211.51 as [t]he exploration, drilling, mining, refining, processing, production and distribution of coal, natural gas, geothermal energy, petroleum or petroleum products, shale oil, nuclear fuels and electrical energy. It also includes the construction of facilities and equipment and similar capital goods. Excluded from this definition are synthetic natural gas manufacturing, electrical generation whose power source is petroleum based, gasoline blending and manufacturing and refinery fuel use.

The only rationale advanced by Ethyl for the proposition that the testing of its product qualifies as energy production is that the product may ultimately be used to conserve refinery fuel and thereby abate losses in refinery gasoline yield. While we appreciate the conservation potential of Ethyl's product, we are unable to conclude that the firm's usage of gasoline in the manufacturing process comports with either a common sense understanding of the term "energy production" or a plain reading of its definition. These arguments presented by Ethyl regarding the ultimate value of the product being tested are unpersuasive as to the proper legal construction of § 211.51.

Finally, Ethyl has requested an "Advisory Opinion" as to which allocation level is applicable to the use described in its request. However, Ethyl has not provided sufficient information to permit us to make a precise determination as to its proper allocation level category. The firm should be aware, however, that either of the two most likely categories, i.e., "commercial use" or "industrial use"² would entitle Ethyl, pursuant to § 211.103(c)(2), to one hundred percent of base period use as reduced by application of the allocation fraction.

Issued in Washington, D.C., on July 30, 1979.

Everard A. Marseglia, Jr.,

Assistant General Counsel for Interpretations and Rulings.

Interpretation 1979-16

To: Semarck California, Inc. and LIG-California, Inc.

Regulations Interpreted: 10 CFR 211.51, 211.62, 212.31 and 212.82

Code: GCW—AI and PI—Def. of Firm, Refiner, Entitlements Program

² Section 211.51 contains the following definitions: "Commercial use" means usage by those purchasers engaged primarily in the sale of goods or services and for uses other than those involving industrial activities and electrical generation.

"Industrial use" means usage by those firms primarily engaged in a process which creates or changes raw or unfinished materials into another form or product.

Facts

Semarck California, Inc. (Semarck) and LIG-California, Inc. (LIG) are considering the formation of a partnership to construct and manage a crude oil refinery in California, the Independent Valley Energy Company (Independent Valley). Semarck is a consulting firm based in Houston, Texas and Los Angeles, California. It provides technical, financial and project management services for development of capital projects and, when appropriate, participates in such projects using its own equity capital. Semarck does not own or control any existing refinery. LIG is a utility with plant and operations in Louisiana. It is a wholly owned subsidiary of Central Louisiana Electric Company, Inc. (Central Louisiana). Central Louisiana also is the sole owner of South Louisiana Production Company, Inc. (South Louisiana), which owns and operates a 13,500 barrel per day (bpd) refinery in Jefferson Davis Parish, Louisiana. This refinery began operations in October 1978.

Semarck and LIG have provisionally entered into a joint venture to develop and operate a 20,000 bpd refinery in Bakersfield, California. The joint venture will be known as the Independent Valley Energy Company (Independent Valley). Under the proposed joint venture, LIG would hold an 80 percent equity interest in the refinery; Semarck would hold a 20 percent equity interest. Semarck would act as "manager" of the operations of the refinery for at least the first 2 years of the enterprise, and LIG would provide nearly 100 percent of the capital investment in the refinery.

Under the terms of the partnership agreement,¹ the following decisions would require the approval of both partners: (1) refinery financing, (2) selection of a principal contractor, (3) selection of major subcontractors, (4) refinery site selection, (5) major crude oil suppliers, (6) major refined product purchasers, (7) all filings and submissions made with U.S. Government agencies, and (8) all long-term contracts or agreements. Partnership Agreement, ¶ 3.5. Many other decisions related to the management of the partnership must also be approved by both parties. They include (1) acquisitions outside the scope of the partnership, (2) financing decisions, (3) sale of or encumbrance upon assets, (4) expenditures and incurring obligations over \$250,000, (5) settlement of claims or suits over \$10,000, (6) substantial deviations from budget, (7) substantial refinancing, and (8) filings with the U.S. Government. Partnership Agreement ¶ 5.4. In other words, Semarck would manage the refinery subject to the requirement that both partners would have to agree on any and all of these decisions.

Issues

1. Under the Mandatory Petroleum Allocation and Priced Regulations, would Independent Valley be a separate firm from LIG and its affiliated entities?
2. Would Independent Valley be a small refiner, as defined in 10 CFR 211.62, and therefore qualify for small refiner bias

¹ The requesting parties provided a copy of the agreement with the request.

entitlements benefits under the domestic crude oil allocation program for the proposed refinery without regard to the refining capacity of LIG and its affiliated entities?

Interpretation

For the reasons set forth below, the Department of Energy (DOE) has determined that Independent Valley and LIG and all of its affiliated entities, including South Louisiana, would constitute a single firm (hereafter called the Central Louisiana firm) for the purposes of the Mandatory Petroleum Allocation and Price Regulations. This means that Independent Valley would not be eligible for small refiner bias entitlements for its refinery without reference to the refinery capacity of South Louisiana.² Consequently, the Central Louisiana firm would be able to claim such entitlements only if it qualified in reference to all of the refineries which it controlled.

Discussion

10 CFR 211.62, defines "small refiner" for the purpose of determining which refineries are entitled to bias benefits and reads as follows:

"Small refiner" means a refiner, the sum of the capacity of the refineries of which (including the capacity of any person who controls, or is controlled by, or is under common control with such refiner) does not exceed 175,000 barrels per day. (Emphasis added.)

Accordingly, a determination that the Independent Valley Refinery and the refinery in Jefferson Davis would be controlled by the same entity is dispositive of the issue whether Independent Valley is a refiner separate from the Central Louisiana firm, because this definition requires the aggregation of the capacities of all refineries under common control of one firm. Based upon the facts presented for our review, the Independent Valley refinery and the refinery in Jefferson Davis Parish, Louisiana, would be under the common control of the Central Louisiana firm, since Independent Valley would be controlled by LIG, the 80 percent partner in the joint venture, and LIG and South Louisiana are wholly owned subsidiaries controlled by Central Louisiana. Consequently, entitlements benefits under the small refiner bias may only be earned by the Central Louisiana firm, based upon the refinery capacity of all of the refineries controlled by that firm.³

² The requesting parties sought "separate firm" identification for purposes of (1) a determination of their status as small or independent refiners, 10 CFR 211.67(e); (2) the operation of the domestic crude oil allocation (buy/sell) program, 10 CFR 211.65; (3) the establishment of maximum lawful selling prices in sales of covered products, 10 CFR 212.83; and (4) the monthly reporting and calculation of "old oil" under the entitlements program. However, the requesting parties also recognized that as some of these regulations have little effect on their joint venture because neither party uses imported crude oil or sells covered products, the primary importance of the requested separate firm treatment concerns the entitlements program and the small refiner bias.

³ On April 27, 1979, the Economic Regulatory Administration (ERA) of DOE amended the small refiner bias to reduce the level of benefits available to small refiners under the bias and provide for the calculation of the bias on an individual plant basis.

Footnotes continued on next page

The element of control, an integral part of the firm concept, has been accorded a broad meaning which includes both actual or potential control.⁴ LIG has the potential, or power, of control by means of exercising its vote on all "major" decisions defined in the tentative agreement. There need not be any *de facto* exercise of this potential control by LIG to require the conclusion that Independent Valley is part of the Central Louisiana firm. As we stated in the *Tesoro* Interpretation, the administrative determination of whether one firm is controlled by another must be a factual and legal determination based upon possession of the power of control and not upon the happenstance of exercise of that power.⁵ Because substantial questions concerning maximum price levels and supply entitlements obligations are at stake, the determination must be one that is based on objective and well established criteria.⁶ In the present case, LIG has stated that it intends in fact to exercise that right of control over Independent Valley. Request, pp. 3, 5-6, 8, 12; Partnership Agreement ¶¶ 3.5 and 5.4. Thus, as a result of Central Louisiana's 100 percent ownership of South Louisiana and LIG, and the latter's 80 percent ownership interest in Independent Valley and associated voting rights and contribution of almost all of Independent Valley's capital, Central Louisiana controls all of those entities within the meaning of the DOE regulations.⁷ Based on the *Tesoro* criteria, all

Footnotes continued from last page rather than on an aggregate basis. Under the new rule, the daily average volume of crude oil runs to stills attributable to a particular plant would be equal to the same percentage of that small refiner's total daily average volume of crude oil runs to stills which a given plant bears to the total refining capacity of the small refiner. 44 FR 25621 (May 2, 1979). Nevertheless, a determination as to whether the "firm" under consideration constitutes a small refiner must still be made.

⁴ See *Tesoro Petroleum Corp.*, Interpretation 1975-32, 42 FR 23743, (August 21, 1975) where FEA found that *Tesoro*, a refiner, controlled *CORCO*, a refiner in Puerto Rico, after *Tesoro* acquired 38 percent of *CORCO*'s outstanding shares. The FEA noted the widely dispersed ownership of the remaining shares outstanding; *Enterprise Products Co.*, Interpretation 1975-3, 42 FR 23724 (February 12, 1973) where *Enterprise*, a propane reseller, and two retailers affiliated with *Enterprise* were found to constitute a single firm because the common owners of the firms protected their control by the veto power they held over any attempts the majority of the board might take toward independent action; and *Ball Marketing Enterprise*, Interpretation 1977-18, 42 FR 39960, (June 13, 1977) in which a producer of crude oil and a refinery constituted a single firm based on the producer's greater than 50 percent ownership interest in the refinery.

⁵ *Tesoro* at 23744.

⁶ *Id.*

⁷ The main authority cited by the parties, *Commonwealth Oil Refining Co.* (*CORCO*), Interpretation 1977-45, 43 FR 1480, (November 30, 1977), does not support the contention that LIG does not control Independent Valley. In *CORCO*, DOE found that the Puerto Rico Olefins Company (*PRO*), the result of a 50/50 joint venture between *CORCO* and PPG Industries, were separate firms because the *PRO* facility operated under an independent management committee made up equally of PPG and *CORCO* delegates and neither PPG nor *CORCO* could individually control the operations of *PRO*.

of the affiliated entities in this case must be considered together in determining whether the single firm qualifies as a "small refiner."⁸

The definition of "small refiner" in § 211.62 is consistent with the definition of "firm" in 10 CFR 212.31, a section which contains the definitions generally applicable to the Mandatory Petroleum Price Regulations. That definition reads as follows:

"Firm" means any association, company, corporation, estate, individual, joint-venture, partnership, or sole proprietorship or any other entity however organized including charitable, educational, or other eleemosynary institutions, and the Federal government including corporations, departments, Federal agencies, and other instrumentalities, and State and local governments. The DOE may, in regulations and forms issued in this part, treat as a firm: (1) A parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls, (2) a parent and its consolidated entities, (3) an unconsolidated entity, or (4) any part of a firm.

For general price control purposes, DOE has selected the first and most expansive of the four meanings listed above,⁹ and has implemented that meaning in, *inter alia*, § 212.82 (which states that "firm" means a parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls), as well as the report forms required to be filed by all refiners. See instructions to Forms FEO-96 and P-110-M-1. *E.g.*, *Northern Natural Gas Co.*, Interpretation 1978-63, 44 FR 3023 (January 15, 1979).

The definition of "firm" in 10 CFR 211.51, a section which contains definitions relating to the Mandatory Petroleum Allocation

However, the basic ownership in the present case is completely distinguished from that in *CORCO*. The ownership arrangement proposed in this case is 80 percent/20 percent. LIG has also admitted that it intends in fact to exercise its majority ownership to control the operations of Independent Valley. Request, pp. 3, 5-6, 8, 12; Partnership Agreement ¶¶ 3.5 and 5.4. Whether that control extends only to major decisions and not to the minor decisions of day-to-day operations is irrelevant to the determination of a firm's scope:

A decision which would depend upon a judgmental determination by FEA regarding the degree of *Tesoro*'s actual supervision of *CORCO*'s day-to-day operations, and which might be subject to review according to the changing circumstances of managerial intervention by *Tesoro*, would be both administratively unfeasible and too arbitrary and indefinite to permit coherent application of the price and allocation regulations to *Tesoro*. *Tesoro* at 23744.

Regulations, similarly permits DOE to treat as a firm (a) a parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls, (b) a parent and its consolidated entities, (c) an unconsolidated entity, or (d) any part of a firm. While for some purposes under the Allocation Regulations DOE has expressly chosen to apply this definition restrictively, *e.g.*, § 211.106(b), it has generally applied this definition in the expansive sense set forth in the definition of small refiner in § 211.62, quoted above.

Finally, *Semarch* and LIG contend that since Independent Valley would be constructed specifically to process California heavy crude oil, which is presently an underutilized resource, its development should be encouraged. Request, pp. 13-15. While such a consideration may be cognizable in the context of a request for exception relief, that the financial incentive of additional small refiner bias entitlements is necessary to construct and operate the proposed refinery is not relevant to the proper interpretation of DOE regulations.

For the reasons set forth above, we have determined that the proper application of the DOE's Mandatory Petroleum Allocation and Price Regulations to the facts presented by *Semarch* and LIG is as follows:

- (1) Under the Mandatory Petroleum Allocation and Price Regulations, Independent Valley is not a separate firm from LIG and its affiliated entities, but is part of the Central Louisiana firm; and
- (2) The Central Louisiana firm may not determine its eligibility for small refiner bias entitlements benefits under the domestic crude oil allocation program for the proposed refinery of Independent Valley without regard to the refining capacity of other entities that are part of the firm.

Issued in Washington, D.C. on July 31, 1979.

Everard A. Marseglia, Jr.,

Assistant General Counsel for Interpretations and Rulings.

⁸ That Independent Valley and South Louisiana would not directly compete with each other or use each other's marketing facilities, and that these entities may be treated separately under State and Federal laws (Request, pp. 11-12), are irrelevant to the determination that we make in this case.

⁹ The second and third meanings under the general definition in § 212.31 were used by the Cost of Living Council and the Federal Energy Administration primarily in connection with profit margin regulations no longer effective. The fourth meaning has been used only in special circumstances, in connection with the granting of exceptions. *Ball Marketing Enterprise*, Interpretation 1977-18, 42 FR 39960 (June 13, 1977) at 39961.

Appendix B.—Responses to Petitions for Reconsideration

Petitioner	Interpretation	Date of response
Mobil Oil Corp.	Mobil Oil Corp. and Gulf Oil Corp., 1979-7, 44 FR 29433 (May 21, 1979)	July 9.
The Gulf Companies	Mobil Oil Corp. and Gulf Oil Corp., 1979-7, 44 FR 29433 (May 21, 1979)	July 9.

Petition for Reconsideration of Mobil Oil Corp. and Gulf Oil Corporation 1979-7

Petitioner: The Gulf Companies

Date: July 9

This responds to the petitions submitted on behalf of The Gulf Companies (Gulf) and Mobil Oil Corporation (Mobil), seeking reconsideration of *Mobil Oil Corporation*, Interpretation 1979-7, 44 FR 29433 (May 21, 1979). In evaluating the petitions for reconsideration, the materials submitted by the petitioners prior to the issuance of the Interpretation have been reviewed. For the reasons discussed below, I have concluded that the request for reconsideration must be denied.

Interpretations issued by the Office of General Counsel of the Department of Energy (DOE) may be reconsidered in certain limited circumstances. In these cases the burden is upon the petitioners to demonstrate that the interpretation was erroneous in fact or in law, or that the result reached in the Interpretation was arbitrary or capricious. 10 CFR 205.85(f)(3).

In the Interpretation which was issued to Gulf and Mobil, the DOE determined that the provisions of § 212.83(c)(2)(iii)(E), which govern a crude oil refiner's computation of increased non-product costs, require refiners to calculate the "marketing cost increase" by computing the difference between the total cost of marketing covered products in the month of measurement and the total cost of marketing covered products in the month of May 1973. Marketing cost increases may be allocated to particular products by volume or by sales. This conclusion was based upon the express provisions of § 212.83(c)(2)(iii)(E) and a review and analysis of its historical background.

Gulf referenced a DOE study entitled *Analysis of Refiners' No. 2 Distillate Costs and Revenues* (March 30, 1979) and contends that this study requires reconsideration of this Interpretation, since the study employed the volume method to determine increased marketing costs for No. 2 distillate sales. This argument is unpersuasive. This study was not a formal legal interpretation of the refiner price formula but was intended only to serve the special analytical purposes of the Office of Fuels Regulations.

In other respects the petitions for reconsideration reiterate the arguments presented in the initial interpretation requests and raise no new substantive arguments of fact or of law. Accordingly, since the petitioners have failed to demonstrate that the Interpretation is erroneous in fact or in law, or that the Interpretation is arbitrary or capricious, the petitions for reconsideration are hereby denied. The denial of these petitions for reconsideration is a final order of the Department of Energy from which the petitioners may seek judicial review.

Petition For Reconsideration of Mobil Oil Corp. and Gulf Oil Corporation 1979-7

Petitioner: Mobil Oil Corp.

Date: July 9

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Mobil Oil Corporation (Mobil), seeking reconsideration of *Gulf Oil Corporation*, Interpretation 1979-7, 44 FR 29433 (May 21, 1979). In evaluating the petitions for reconsideration, the materials submitted by the petitioners prior to the issuance of the Interpretation have been reviewed. For the reasons discussed below, I have concluded that the request for reconsideration must be denied.

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allocated to particular products by volume or by sales. This conclusion was based upon the express provisions of § 212.83(c)(2)(iii)(E) and a review and analysis of its historical background.

Gulf referenced a DOE study entitled *Analysis of Refiners' No. 2 Distillate Costs and Revenues* (March 30, 1979) and contends that this study requires reconsideration of this Interpretation, since the study employed the volume method to determine increased marketing costs for No. 2 distillate sales. This argument is unpersuasive. This study was not a formal legal interpretation of the refiner price formula but was intended only to serve the special analytical purposes of the Office of Fuels Regulations.

In other respects the petitions for reconsideration reiterate the arguments presented in the initial interpretation requests and raise no new substantive arguments of fact or of law. Accordingly, since the petitioners have failed to demonstrate that the Interpretation is erroneous in fact or in law, or that the Interpretation is arbitrary or capricious, the petitions for reconsideration are hereby denied. The denial of these petitions for reconsideration is a final order of the Department of Energy from which the petitioners may seek judicial review.

Appendix C.—Cases Dismissed

File No.	Requestor	Category	Date dismissed
A-422	Foster Oil Co.	Allocation	July 13.
A-398	Triad Oil Co.	Allocation	July 16.

[FR Doc. 79-26986 Filed 8-28-79; 8:45 am]

BILLING CODE 6450-01-M

CIVIL AERONAUTICS BOARD**14 CFR Part 207**

[Regulation ER-1145; Amendment No. 21; Docket 31788]

Split All-Cargo Charters and Split Passenger/Cargo Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., August 23, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This amendment allows more than one person to charter the entire capacity of an aircraft for air freight, and to charter the unused belly capacity of a passenger charter flight. The amendments are intended to spur competition in the air cargo industry, and could lead to lower shipping rates and to increased charter opportunities for small shippers. This action is in response to a petition for rulemaking by two charter air carriers, Trans International Airlines and World Airways.

DATES: Effective: September 28, 1979. Adopted: August 23, 1979.

FOR FURTHER INFORMATION CONTACT: Mark Frisbie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTARY INFORMATION: In December 1977, Trans International Airlines and World Airways, U.S. charter carriers, filed a petition for rulemaking to amend the Board's Economic Regulations (14 CFR Parts 207, 208, 212 and 214) to allow split all-cargo charters and split passenger/cargo charters. They proposed a 5,000-pound minimum shipment, a limit on the maximum number of charterers permitted to engage an all-cargo aircraft, and that only one charterer be allowed to engage the belly cargo capacity on a passenger charter flight. The Board issued Notice of Proposed Rulemaking EDR-351 (43 FR 14519, April 6, 1978) asking for comment on a revision of the rules for split cargo charters and cargo charter service. We further asked how to define a split cargo charter so that the shippers would have maximum

flexibility in its use, the direct air carriers would not be hobbled by unnecessary regulations, and the public's need for scheduled cargo service would be met. The Board suggested the petitioners' proposed restrictions as a possible format, and tentatively decided that these changes are permitted under the Act. Comments and reply comments in response to the notice have been filed by numerous shippers, scheduled and charter carriers, and air freight forwarders.¹

The primary issues in this rulemaking are: whether there is a need for split cargo charters in domestic and international transportation; whether they would threaten the viability of international scheduled service; and whether they are permitted under the Federal Aviation Act.

Opponents of the rule, all of them scheduled combination or all-cargo carriers, argue that there is no need for split cargo charters in domestic markets because of the availability of section 418 cargo certificates allowing unregulated cargo carriage, or in international markets because the cargo market has been rapidly expanding and small-capacity aircraft are available for a small shipper to charter on a plane-load basis. Also, they claim, in international markets split cargo charters would cause disastrous diversion from scheduled service, undermining its economic base. These commenters contend that by eliminating the requirement that the entire capacity of the aircraft be chartered by one person, and by setting the minimum shipment at only 5,000 pounds, there would be no practical distinction between charter and individually waybilled service.

Supporters of the rule—including shippers, freight forwarders, charter carriers, and two foreign scheduled combination carriers—cited the

efficiencies and attractiveness of split cargo charters, especially in the use of now-empty belly space on passenger charters. Shippers were interested in the lower rates and greater accessibility to charter service they expected from a split cargo charter rule.

After review of all the comments received, and in view of the changes in policy made by the Airline Deregulation Act of 1978 (Pub. L. 95-504), the Board has decided to permit split all-cargo charters with no minimum contract size, and with no restriction on the number of charterers, as long as the entire capacity of the aircraft is engaged in the aggregate. The reason for retaining the latter restriction at this time is that it was not proposed to be eliminated. We are also authorizing cargo charters in the unused belly capacity of passenger charters, with no restriction on contract size or number of charterers. EDR-351 proposed, as a possible format, a limitation on the number of charterers and a minimum contract size for each charterer, but the Board also asked the public to consider and suggest other possible rules, including the possibility of having no limitations. We have decided that a restriction on contract size or number of charterers is not legally necessary, and that the fewest restrictions would best promote competition and serve the needs of the public.

In Supplemental Notice of Proposed Rulemaking EDR-351B, issued simultaneously with this amendment, the Board is proposing to eliminate the requirement that the entire aircraft be engaged in the aggregate, and to allow any mix of cargo and passenger charters on an aircraft, including the carriage of cargo on the main deck with passengers. We are also proposing that notice of any limits on baggage space be placed in the participant contract, and that part charters of cargo be allowed on scheduled flights.

Need For Split Cargo Charters

We have concluded that split cargo charters will allow more efficient use of aircraft capacity and will allow smaller shippers to use cargo charter services. It seems probable that these new efficiencies will promote competition between cargo carriers, both charter and scheduled. We believe that this competition will benefit consumers.

Opponents of split cargo charters claim that they are not needed in either domestic or international markets. Domestically, charter air carriers were granted authority to receive all-cargo certificates under the grandfather provision of section 418 of the Act (Pub. L. 95-245), and these certificates have

been open to all applicants since November 1978. They argue that section 418 service will provide shippers with any benefits otherwise available from split all-cargo charters. For example, there will be an unlimited number of carriers and almost unhindered discretion in pricing and in the number of price/quality options available. In addition, they state that charters will remain available for those shippers who want the entire capacity of an aircraft for particular point-to-point service at specific times.

We agree that this rule will have no impact on domestic cargo service, which has already been deregulated by Congress and the Board. Since all carriers are exempted from our charter regulations for the purposes of domestic cargo service (14 CFR 291.24), this rule will affect only international cargo service. But in that realm, split cargo charters will still be a useful competitive force, stimulating greater efficiencies and variety of service. As we recently pointed out in another context,² the demand for cargo charter service to many countries has not been fully met. The rules we are adopting here will permit charter carriers to respond more quickly and efficiently to shippers' needs in those international markets. Furthermore, we consider it a weak argument against removing regulatory restrictions that further liberalization is not needed. The important question is whether the restrictions are needed. If they are not, the policies under which the Board is now acting call for their removal, so that the industry structure will be unhampered in changing to meet any new needs that might arise in the future.

Effect on Scheduled Service

The scheduled all-cargo and combination carriers claim that such substantial diversion will occur from traffic in international air cargo transportation that important scheduled service to many markets could be reduced or eliminated. Seaboard and FTL in particular argue that split cargo charters have no traffic generating potential in international aircraft. They state that since the cost of surface transportation is so much less than air transportation in the transatlantic and transpacific markets, even the expected decrease in cargo rates through split cargo charter competition will not cause any significant shift of traffic from surface modes.

² Order 78-12-60, December 8, 1978, in which the Board granted multiple exemption applications for all-cargo charter authority in transatlantic markets. See also *Transatlantic Cargo Service Case*, Order 78-12-50, December 8, 1978.

¹ Comments and/or reply comments have been received from: Civil Aeronautics Board Office of the Consumer Advocate (subsequently made part of the Bureau of Consumer Protection), National Air Carrier Association (on behalf of Evergreen International Airlines, Trans International Airlines, World Airways), International Aviation Services (U.K.), Lan-Chile Airlines, TAP Portuguese Airways, International Airforwarder and Agents Association (on behalf of 23 air freight forwarder members), Fourteen Electronics Shippers (Advanced Micro Devices, American Microsystems, Data General Corp., Electronic Memories and Magnetics Corp., Fairchild Camera-Instrument Corp., General Instrument Corp., Hewlett-Packard Co., Intel Corp., Intersil, Litronix, National Semiconductor Corp., RCA Corp., Rockwell Microelectronics, Signetics Corp.), Motor Vehicle Manufacturers Association, Rich International Airways, Polaroid, Certain Trunkline Carriers (American Airlines, Pan American World Airways, Trans World Airlines, Western Airlines), The Flying Tiger Line, China Airlines, British Airways, Seaboard World Airlines, Scandinavian Airlines System, Airlift International, and F.H. Fenderson, Inc.

Opponents argue further that the anticipated diversion would lead to declining load factors and higher scheduled rates. For instance, Flying Tiger Lines predicts that it would have to lower prices for large-volume shippers in primary markets and raise rates for small shippers and in secondary markets. Other opponents warn that the shift in scheduled cargo traffic from secondary markets to major break-weight centers by shippers to take advantage of volume discounts would work to the detriment of shippers who desire scheduled service in the secondary markets. As a result, they argue, many shippers who now depend on the regularity and convenience of scheduled all-cargo service would find that service either prohibitively expensive, inconvenient, or unavailable.

The Board does not, however, consider diversion from one type of air transportation to another as something to be avoided. The policy question is not whether removal of regulatory restrictions causes a shift in market share, but rather, whether the range of needed services will be available to the public by competitive parts of the air transportation industry. There is nothing in the statute that favors limits on competition between charter and scheduled service, or that restricts charter service to traffic found unattractive by the scheduled carriers. While impairment of scheduled service is a public interest factor to be considered, the revenues from this service need not be maintained at the level, or under the conditions, desired by the scheduled carriers.

We are not persuaded that charter service under this rule will impair availability of scheduled cargo service in international markets for those who desire it. None of the shippers who commented seemed concerned about this possibility. It was raised only by the scheduled carrier opponents of the rule. Our experience shows that increased competition from charters often leads to lower scheduled rates while still allowing consumers a choice between charter and scheduled service. If less expensive charter service is attractive to many shippers who now must use scheduled service, there is no reason why those shippers should be forced to pay for the convenience of scheduled service that they neither need nor want. As Seaboard pointed out, the scheduled all-cargo carriers provide highly efficient service at acceptable cost. These carriers, especially with expanded off-route authority, should be able to withstand charter competition wherever

there is enough demand for the special advantages of scheduled service.

Legality

Another question is whether these rules are permitted by the Act. The opponents argue that split cargo charters are indistinguishable from individually-waybilled service, and that the Federal Aviation Act requires a clear distinction to be maintained. They contend that past court cases on split passenger charters do not support split charters in cargo service, and that Board precedent is also against such rules. These commenters cite the Board statement that elimination of the payload requirement would delete the only rule that inhibits supplementals from offering individually-waybilled service in derogation of their statutory function (ER-659), *Extension of Charter Regulations*, 36 FR 2486, January 29, 1971).

According to these commenters, there are no restrictions on split cargo charters that would differentiate them from individually-waybilled service. They make several points: There is no requirement of a middleman between the charter carrier and the shipper, as the courts have found important in split passenger charters. The logistical difficulties of coordinating multiple shipments and backhaul imbalances are substantially reduced by readily available surface transportation at each terminal, and by the availability of split passenger/cargo charters to prevent empty return flights. The restriction that the entire capacity be chartered is substantially weakened due to the number of different shippers possible on the aircraft, and because the significant rate advantage of charters makes the use of split cargo charters always in the interest of the shipper. They argue that the elimination of charter tariffs³ would make even the minimum restrictions in the Board rules unenforceable. For all of these reasons, they claim that the Board has no legal authority to adopt these rules, and cannot show any economic change that warrants reversal of its long-standing rejection of split cargo charters.

Congress has indicated a preference for the broadest charter rules consistent with the public interest by amending section 401(n)(2) of the Federal Aviation Act (by Pub. L. 95-504, the Airline Deregulation Act of 1978) to read, "No rule, regulation, or order issued by the Board shall restrict the marketability,

flexibility, accessibility, or variety of charter trips provided under a certificate issued under this section, except to the extent required by the public interest. . . ." Also, the Deregulation Act changes the definition of charter air transportation (formerly "supplemental air transportation") to read: "Charter air transportation" means charter trips, including inclusive tour charter trips, in air transportation, rendered pursuant to authority conferred under this Act under regulations prescribed by the Board." (section 101 (15)) The former definition read: ". . . rendered pursuant to a certificate of public convenience and necessity issued pursuant to section 401(d)(3) of this title to supplement the scheduled service authorized by certificates of public convenience and necessity issued pursuant to sections 401(d)(1) and (2) of this title." (Former section 101 (37).) Because charter service by definition was limited to "supplemental" air transportation, the Board was required to fashion charter rules that insured that the service would be distinct from scheduled transportation. Although the Conference Report is silent about the reason for this definitional change, we believe it indicates Congress's intent that no formal distinction between charter and scheduled service need be maintained. The present definition places full discretion with the Board to define charter service by regulation, and it omits the reference in the former definition to the distinct role of "supplementing" scheduled service. The change indicates that Congress realized that charter service should not be limited as it had in the past, and it changed the definition accordingly. This was consistent with the overriding purpose of the Deregulation Act to remove unnecessary restrictions and barriers to competition.

In light of these changes and policies, we believe that the Act does not require us to maintain more restrictive conditions for cargo charter service than for individually-waybilled service. The judicial interpretations that required charter service to be distinct from individually-ticketed service were based on legislative history and regulatory policies that are now outdated and have been superseded by new law. We believe that charter service should not be subject to special conditions that inhibit its responsiveness to consumer needs, and that the statute permits us to define charter service so that it may be used as a competitive alternative to waybilled service. We wish to permit both types of service, in unrestricted competition with each other, to be

³ Charter tariffs were eliminated by ER-1125, 1126, 1127, 1128, 1129, 1130 and SPR-159, and 160 (44 FR 33056, June 8, 1979), adopted after comments were due in this proceeding.

available to satisfy consumer preferences.

The essence of charter service is its contractual, *ad hoc* nature. It is more flexible, because it can be arranged to suit the consumer's individual needs. It may also involve more risks for the shipper, and charter flights are typically less regular and less routinely available than scheduled service. The distinction, between charter and individually-waybilled service, if one is somehow needed, is primarily in the contrast between the flexible, individualized service characteristic of charters, and the routine, predictable service characteristic of scheduled flights. In addition, the existing requirement that the entire capacity of the plane must be engaged for charters is a clear distinction, since scheduled service is not subject to a "full-plane" restriction. Thus, charter service includes a risk that the flight will not take place if enough joint charterers cannot be found. We emphasize, however, that we do not consider this restriction to be especially characteristic of charters or required by statute.

We have decided that the public interest is served by a wider range of available air transportation modes, allowing more efficient operations, not by protection of scheduled service at the expense of competitive opportunities. This is consistent with the language and purpose of the Airline Deregulation Act. We affirm our tentative decision in EDR-351 that split cargo charters are permitted under the Act.

Split Passenger/Cargo Charters

EDR-351 asked for comment on permitting the unused belly capacity of a passenger charter to be engaged for cargo charters, although the text of the proposed rule arguably allows cargo charters on the main deck of the aircraft as well as in the belly. To assure adequate notice to the public of the full extent of our proposal, we are issuing simultaneously a supplemental notice of proposed rulemaking, EDR-351B, proposing explicitly to allow the carriage of both passenger and cargo charters on the main deck. In the amendments adopted now, we are permitting any number of cargo charters in the belly capacity of a passenger charter, with no minimum weight limit.

There is no reason to limit the number of cargo charterers of the belly capacity when there is no limit to the number of charterers on either split all-passenger charters or split all-cargo charters. To do so would restrict the flexibility of split charters and reduce public options.

Seaboard argued that only one cargo charterer should be allowed for the belly

capacity of a passenger charter, so that charter carriers would not be encouraged to reduce the baggage allowances of passengers on such combination flights. The Board recognizes that there could be some problems in regard to passenger baggage allowances with the introduction of cargo charters on passenger flights, and is proposing in EDR-351B that passengers be notified in the participant contract of the amount of baggage allowed. In the meantime, this is not sufficient reason to warrant delaying the adoption of this part of the rule.

The Board's former Office of Consumer Advocate suggested that the Board may wish to examine whether the rule should require that on split passenger/cargo charters both cargo and passengers be destined for the same airport, to prevent the value of the passenger ticket being diluted by diversion of the flight to a cargo destination. We have carefully considered this suggestion, and conclude that there is no practical need for such a provision. The direct carrier will be governed by its contract with the passenger charter operator(s), which prescribes the route that the aircraft will take. If the direct carrier wishes to modify the route (for example, include an extra stop) to accommodate a potential cargo charterer, it will have to obtain the charter operator's consent. Thus, the carrier will not be able to impose arbitrary route changes. Split passenger charters are currently operated without any necessity of informing passengers of intermediate stops, and we are aware of no significant problems with unexpected stops on those flights. If problems arise, there will be time to consider remedial rules. In any case, there appears little economic incentive for the carrier to divert a passenger flight to add a partial belly-load of cargo. The additional revenue from the cargo would seldom be enough to cover the extra mileage and landing costs of making the additional stop.

In EDR-351, we proposed that cargo charters in the belly of a passenger flight be made permissive, so that a full passenger flight would not be canceled for lack of cargo to fill the belly space. Thus, a plane will be considered to be "fully engaged" when the entire main deck is engaged. The Trunkline Carriers objected that the Board cannot arbitrarily define "fully engaged" to mean something less than engagement of all available space, including belly space. However, the definition of "charter" need not depend on engagement of the entire plane, and it is

wasteful and inefficient to have available cargo capacity on passenger charters go empty unless the belly is engaged in full. The new rule will allow more efficient usage of cargo space. It will not change the requirements for passenger charters.

Suggested Changes

Numerous commenters suggested various restrictions to be placed on split cargo charters, including a minimum shipment size, a maximum number of charterers, and prevention of split cargo operations between points where there are scheduled all-cargo operations. Each of these restrictions would, however, unnecessarily limit the flexibility of split cargo charters, in effect defeating the purpose of these charters.

The scheduled all-cargo carriers asked for compensating rights, such as the grant of unrestricted scheduled and charter passenger authority. We recently issued a proposal to eliminate all restrictions on off-route charters for U.S. certificated carriers.⁴ The request to allow all-cargo carriers to carry passengers, in addition to property and mail, on their regular scheduled flights requires amending the certificates of these carriers, and is better handled in that type of proceeding. All-cargo carriers wishing to apply for such certificate amendments may do so.

International Aviation Services (IAS), a foreign charter carrier, has requested that the Board amend Part 214, which governs passenger charters by foreign charter carriers, to allow them to carry cargo charters. Since we did not propose to amend Part 214 in EDR-351, we cannot issue a final rule at this time. However, in EDR-351B, issued simultaneously with this final rule, we are proposing to amend Part 214 to allow split cargo charters for foreign charter carriers.

British Airways argued that EDR-351 only sought comment on the desirability of redefining cargo charters, and made only vague proposals on the definition. It said that the public should be given an opportunity to be heard with respect to more specific proposals before adoption of a final rule. It is our opinion that EDR-351 did give sufficient notice of the Board's thinking and tentative decisions on the structure of a final rule for split cargo charters. A suggested format was given, and the Board's rationale was clearly stated. A notice of proposed rulemaking should be sufficiently descriptive of the issues so that the parties may offer informed criticism, but need not contain in precise form each proposal that the agency may eventually

⁴EDR-383, 44 FR 4182, July 18, 1979

adopt as a rule. *Ethyl Corporation v. Environmental Protection Agency*, 541 F. 2d 1 (D.C. Cir. 1976). Issues not discussed in EDR-351 are being proposed in a supplemental notice.

Technical Changes

We are renumbering and revising the organization of § 207.11, § 208.6, and § 212.8 to improve readability, make the wording of related sections parallel, and incorporate the new provisions we are adopting here. No substantive changes are being made in former § 207.11(a) and (b), § 208.6(a) and (b), and § 212.8(a). The existing provisions following § 207.11(c), 208.6(c), and 212.8(b) are being renumbered as § 207.11(b)(1), § 208.6(b)(1), and § 212.8(b)(1) respectively, and the rest of those sections are being organized under new § 207.11(a), 208.6(a) and 212.8(a), with appropriate subdivisions. Other substantive changes adopted here are being given their own paragraph numbers. We also are correcting an error made in the Public Charter rule (SPR-149, 43 FR 36604, August 18, 1978). The contract seat size for passenger charters on small aircraft was inadvertently changed in the Public Charter rulemaking to apply to aircraft of less than 80 seats. It should apply to aircraft of 80 or fewer, and we are changing the text accordingly.

Finally, we are amending § 207.13, § 208.32, and § 212.10 to conform references to former § 207.11(c), § 208.6(c), and § 212.8(b) to the new renumbering described above. These sections currently require 10-day advance payment of the charter price by all charterers on a split charter. The 10-day advance payment is designed for the protection of charter passengers from last-minute cancellations by other charterers on the same flight. However, cargo charters in the bellies of passenger flights are permissive, so cancellation by a cargo charterer will not result in cancellation of the whole flight. Therefore, the 10-day advance payment requirement has been made applicable only to passenger charterers.

Final Rule

The Civil Aeronautics Board amends 14 CFR Part 207, *Charter trips and special services*, as follows:

1. Section 207.11 is renumbered and amended to read as follows:

§ 207.11 Charter flight limitations.

(a) Charter flights (trips) in air transportation shall be limited to the following:

(1) Air transportation of persons and/or property pursuant to contracts with the Department of Defense where the

entire capacity of one or more aircraft has been engaged by the Department;

(2) Air transportation performed on a time, mileage, or trip basis where the entire capacity of one or more aircraft has been engaged for the movement of persons and their baggage and/or the movement of property;

(i) By a person for his own use (including a direct air carrier or a direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel or company property, or in cases of emergency, of commercial traffic, except that emergency charters for commercial traffic shall be reported in accordance with § 207.10);

(ii) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons, as agent or representative of such group;

(iii) By an air freight forwarder, or cooperative shippers association registered under Part 296 of this subchapter; with respect to flights from the United States in foreign air transportation, by a foreign air freight forwarder holding effective Board authority; or, with respect to flights to the United States in foreign air transportation, by any foreign air freight forwarder.

(iv) By an overseas military personnel charter operator as defined in Part 372 of this chapter;

(v) By a charter operator or foreign charter operator as defined in part 380 of this chapter;

(3) Air transportation performed on a time, mileage or trip basis where less than the entire capacity of an aircraft has been engaged for the movement of persons and their personal baggage and/or the movement of property by two or more of the following persons, except that such persons in the aggregate must engage the entire capacity of the aircraft in accordance with paragraph (b) of this section:

(i) By a person for his own use (including a direct air carrier or a direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage, or company property, or in cases of emergency, of commercial traffic; except that emergency charters for commercial traffic shall be reported in accordance with § 207.10);

(ii) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services), for the

transportation of a group of persons as agent or representative of such group;

(iii) By an overseas military personnel charter operator as defined in Part 372 of this chapter;

(iv) By a charter operator or foreign charter operator as defined in Part 380 of this chapter.

(v) By an air freight forwarder or cooperative shippers association registered under Part 296 of this subchapter; with respect to flights from the United States in foreign air transportation, by a foreign air freight forwarder holding effective Board authority; and with respect to flights to the United States in foreign air transportation, by any foreign air freight forwarder.

(b)(1) Each person engaging less than the entire capacity of an aircraft for the movement of persons and their personal baggage pursuant to paragraph (a)(3)(iv) of this section shall contract and pay for 20 or more seats. Each person engaging less than the entire capacity of an aircraft for the movement of persons and their personal baggage pursuant to paragraph (a)(3)(i), (a)(3)(ii), or (a)(3)(iii) of this section shall contract and pay for 40 or more seats, except that if the main deck capacity of an aircraft having 80 or fewer seats is engaged by no more than two persons described in paragraph (a)(3)(i), (a)(3)(ii), or (a)(3)(iii) of this section for the movement of persons and their baggage, then either one of such persons may contract and pay for a minimum of 20 seats.

(2) Carriers shall not transport both persons and property on the main deck of a chartered aircraft.

(3) The entire capacity of an aircraft shall be considered as engaged if its main deck capacity is engaged, regardless of whether the remaining belly or other capacity is also engaged.

2. Section 207.13 is amended to read as follows:

§ 207.13 Terms of service.

(a) [Reserved]

(b) The carrier shall require full payment of the total charter price, including payment for the return portion of a round trip, or the posting of a satisfactory bond for full payment, prior to the commencement of any portion of the air transportation:

Provided, however, That in the case of a passenger charter for less than the entire capacity of an aircraft pursuant to § 207.11(a)(3), the carrier shall require full payment of the total charter price, including payment for the return portion of a round trip, from the passenger charterers not less than 10 days prior to the commencement of any portion of the transportation, and such payment shall

not be refundable unless the charter is canceled by the carrier or unless the carrier accepts a substitute charterer for one which has canceled a charter, in which case the amount paid by the latter shall be refunded. For the purpose of this paragraph payment to the carrier's depository bank, as designated in the charter contract, shall be deemed payment to the carrier.

(c) Where four or more round trip flights per calendar year are conducted on behalf of a chartering organization by a carrier or carriers, one-way passengers shall not be carried except that up to 5 percent of the charter group may be transported one way in each direction, there shall be no intermingling of passengers and each payload group, or less than payload group (see § 207.11(a)(3)), shall move as a unit in both directions, except as provided in § 207.14. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of a round trip is chartered separately in order to avoid the 5-percent limitation aforesaid.

(Secs. 102, 204, 401 of the Federal Aviation Act of 1958, as amended, 92 Stat. 1706, 72 Stat. 743, 92 Stat. 1710 49 U.S.C. 1302, 1324, 1371.)

By the Civil Aeronautics Board:
Phyllis T. Kaylor,
Secretary.

[FR Doc. 79-26905 Filed 8-28-79; 8:45 am]
BILLING CODE 8320-01-M

14 CFR Part 208

[Regulation ER-1146; Amendment No. 21; Docket 31788]

Terms, Conditions and Limitations of Certificates To Engage in Charter Air Transportation; Split All-Cargo Charters and Split Passenger/Cargo Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., August 23, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This rule allows more than one person to charter the entire capacity of an aircraft for air freight, and to charter the unused belly capacity of a passenger charter flight. The rule should spur competition in the air cargo industry, leading to lower shipping rates and to increased charter opportunities for small shippers. This action is in response to a petition for rulemaking by two charter air carriers, Trans International Airlines and World Airways.

DATES: Effective: September 28, 1979.
Adopted: August 23, 1979.

FOR FURTHER INFORMATION CONTACT: Mark Frisbie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTARY INFORMATION: For the reasons explained in ER-1145, dated August 23, 1979, issued simultaneously, the Board is amending its charter regulations to allow split cargo charters.

The Civil Aeronautics Board amends 14 CFR Part 208, *Terms, conditions, and limitations of certificates to engage in supplemental air transportation*, as follows:

1. Section 208.6 is renumbered and amended to read as follows:

§ 208.6 Charter flight limitations.

(a) Charter flights in air transportation performed by supplemental air carriers shall be limited to the following:

(1) Air transportation of persons and/or property pursuant to contracts with the Department of Defense where the entire capacity of one or more aircraft has been engaged by the Department;

(2) Air transportation performed on a time, mileage or trip basis where the entire capacity of one or more aircraft has been engaged for the movement of persons and/or property:

(i) By a person for his own use (including a direct air carrier or a direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel or company property or in cases of emergency, of commercial traffic, except that emergency charters for commercial traffic shall be reported in accordance with § 208.5);

(ii) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons, as agent or representative of such group;

(iii) By an overseas military personnel charter operator as defined in Part 372 of this chapter; or

(iv) By a charter operator or foreign charter operator as defined in Part 380 of this chapter.

(v) By an air freight forwarder or cooperative shippers association registered under Part 296 of this subchapter; with respect to flights from the United States in foreign air transportation, by a foreign air freight forwarder holding effective Board authority; and with respect to flights to the United States in foreign air transportation, by any foreign air freight forwarder.

(3) Air transportation performed on a time, mileage or trip basis where less than the entire capacity of an aircraft has been engaged for the movement of persons and their personal baggage and/or the movement of property by two or more of the following persons, except that such persons in the aggregate must engage the entire capacity of the aircraft in accordance with paragraph (b) of this section:

(i) By a person for his own use (including a direct air carrier or a direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage, or company property, or in cases of emergency, of commercial traffic; except that emergency charters for commercial traffic shall be reported in accordance with § 208.5);

(ii) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services), for the transportation of a group of persons, as agent or representative of such group;

(iii) By an overseas military personnel charter operator as defined in Part 372 of this chapter;

(iv) By a charter operator or foreign charter operator as defined in Part 380 of this chapter;

(v) By an air freight forwarder or cooperative shippers association registered under Part 296 of this subchapter; with respect to flights from the United States in foreign air transportation, by a foreign air freight forwarder holding effective Board authority; and with respect to flights to the United States in foreign air transportation, by any foreign air freight forwarder.

(b)(1) Each person engaging less than the entire capacity of an aircraft for the movement of persons and their personal baggage pursuant to paragraph (a)(3)(iv) of this section shall contract and pay for 20 or more seats. Each person engaging less than the entire capacity of an aircraft for the movement of persons and their personal baggage pursuant to paragraph (a)(3)(i), (a)(3)(ii), or (a)(3)(iii) of this section shall contract and pay for 40 or more seats, except that if the main deck capacity of an aircraft having 80 or fewer seats is engaged by no more than two persons described in paragraph (a)(3)(i), (a)(3)(ii), or (a)(3)(iii) of this section for the movement of persons and their baggage, then either one of such persons may contract and pay for a minimum of 20 seats.

(2) Carriers shall not transport both persons and property on the main deck of a chartered aircraft.

(3) The entire capacity of an aircraft shall be considered as engaged if its main deck capacity is engaged, regardless of whether the remaining belly or other capacity is also engaged.

2. Section 208.32 is amended to read as follows:

§ 208.32 Tariffs and terms of service.

(e) The carrier shall require full payment of the total charter price, including payment for the return portion of a round trip, or the posting of a satisfactory bond for full payment, prior to the commencement of any portion of the air transportation:

Provided, however, That in the case of a passenger charter for less than the entire capacity of an aircraft pursuant to § 208.6(a)(3), the carrier shall require full payment of the total charter price, including payment for the return portion of a round trip, from the passenger charterers not less than 10 days prior to the commencement of any portion of the transportation, and such payment shall not be refundable unless the charter is canceled by the carrier or unless the carrier accepts a substitute charterer for one which has canceled a charter, in which case the amount paid by the latter shall be refunded. For the purpose of this paragraph, payment to the carrier's depository bank, as designated in the charter contract, shall be deemed payment to the carrier.

(f) Where four or more round trip flights per calendar year are conducted on behalf of a chartering organization by a carrier or carriers, one-way passengers shall not be carried except that up to 5 percent of the charter group may be transported one way in each direction, there shall be no intermingling of passengers and each planeload group, or less than planeload group (see § 208.6(a)(3)), shall move as a unit in both directions, except as provided in § 208.36. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of a round trip is chartered separately in order to avoid the 5-percent limitation aforesaid.

(Secs. 102, 204, 401 of the Federal Aviation Act 1958, as amended, 92 Stat. 1706, 72 Stat. 743, 92 Stat. 1710; 49 U.S.C. 1302, 1324, 1371.)

By the Civil Aeronautics Board:
Phyllis T. Kaylor,
Secretary.

[FR Doc. 79-26908 Filed 8-28-79; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 212

[Regulation ER-1147; Amendment No. 29; Docket 31788]

Split All-Cargo Charters and Split Passenger/Cargo Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., August 23, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This rule allows more than one person to charter the entire capacity of an aircraft for air freight, and to charter the unused belly capacity of a passenger charter flight. The rule should spur competition in the air cargo industry, leading to lower shipping rates and to increased charter opportunities for small shippers. This action is in response to a petition for rulemaking by two charter air carriers, Trans International Airlines and World Airways.

DATES: Effective: September 28, 1979.
Adopted: August 23, 1979.

FOR FURTHER INFORMATION CONTACT: Mark Frisbie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTARY INFORMATION:

For the reasons explained in ER-1145, dated August 23, 1979, issued simultaneously, the Board is amending its charter regulations to allow split cargo charters.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 212, *Charter trips by foreign air carriers*, as follows:

1. Section 212.8 is renumbered and amended to read as follows:

§ 212.8 Charter flight limitations.

(a) Charter flights (trips) shall be limited to foreign air transportation performed by a foreign air carrier holding a foreign air carrier permit issued pursuant to section 402 of the Act authorizing such carrier to engage in foreign air transportation on an individually ticketed or individually waybilled basis—

(1) Where the entire capacity of one or more aircraft has been engaged for the movement of persons and their baggage and/or for the movement of property, on a time, mileage or trip basis—

(i) By a person for his own use (including a direct air carrier or direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage or company property, or in cases of emergency, of commercial traffic; except that emergency charters

of commercial traffic shall be reported in accordance with § 212.14);

(ii) By a person (no part of whose business is the formation of groups for transportation or the consolidation of shipments for transportation or solicitation or sale of transportation services) for the transportation of a group of persons as agent or representative of such group;

(iii) By an air freight forwarder or cooperative shippers association registered under Part 296 of this subchapter; with respect to flights from the United States in foreign air transportation, by a foreign air freight forwarder holding effective Board authority; or, with respect to flights to the United States in foreign air transportation, by any foreign air freight forwarder;

(iv) By an overseas military personnel charter operator as defined in Part 372 of this chapter; or

(v) By a charter operator or foreign charter operator as defined in part 380 of this chapter.

(2) Where less than the entire capacity of an aircraft has been engaged for the movement of persons and their personal baggage and/or for the movement of property, on a time, mileage or trip basis, by two or more of the following persons; except that such persons in the aggregate must engage the entire capacity of the aircraft in accordance with paragraph (b) of this section:

(i) By a person for his own use (including a direct air carrier or a direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage, or company property, or in cases of emergency, of commercial passenger traffic; except that emergency charters of commercial traffic shall be reported in accordance with § 212.14);

(ii) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services), for the transportation of a group of persons as agent or representative of such group;

(iii) By an overseas military personnel charter operator as defined in Part 372 of this chapter;

(iv) By a charter operator or foreign charter operator as defined in Part 380 of this chapter.

(v) By an air freight forwarder or cooperative shippers association registered under Part 296 of this subchapter; with respect to flights from the United States in foreign air transportation, by a foreign air freight forwarder holding effective Board authority; and, with respect to flights to

the United States in foreign air transportation, by and foreign air freight forwarder.

(b)(1) Each person engaging less than the entire capacity of an aircraft for the movement of persons and their personal baggage pursuant to paragraph (a)(2)(iv) of this section shall contract and pay for 20 or more seats. Each person engaging less than the entire capacity of an aircraft for the movement of persons and their personal baggage pursuant to paragraph (a)(2)(i), (a)(2)(ii), or (a)(2)(iii) of this section shall contract and pay for 40 or more seats, except that if the main deck capacity of an aircraft having 80 or fewer seats is engaged by no more than two persons described in paragraph (a)(2)(i), (a)(2)(ii), or (a)(2)(iii) of this section for the movement of persons and their baggage, then either one of such persons may contract and pay for a minimum of 20 seats.

(2) Carriers shall not transport both persons and property on the main deck of a chartered aircraft.

(3) The entire capacity of an aircraft shall be considered as engaged if its main deck capacity is engaged, regardless of whether the remaining belly or other capacity is also engaged.

2. Section 212.10 is amended to read as follows:

§ 212.10 Terms of service.

(a) [Reserved]

(b) The carrier shall require full payment of the total charter price, including payment for the return portion of a round trip, or the posting of a satisfactory bond for full payment, prior to the commencement of any portion of the air transportation:

Provided, however, That in the case of a passenger charter for less than the entire capacity of an aircraft pursuant to § 212.8(a)(2), the carrier shall require full payment of the total charter price, including payment for the return portion of a round trip, from the passenger charterers not less than 10 days prior to the commencement of any portion of the transportation, and such payment shall not be refundable unless the charter is canceled by the carrier or unless the carrier accepts a substitute charterer for one which has canceled a charter, in which case the amount paid by the latter shall be refunded. For the purpose of this section, payment to the carrier's depository bank, as designated in the charter contract, shall be deemed payment to the carrier.

(c) Where four or more round trip flights per calendar year are conducted on behalf of a chartering organization by a carrier or carriers, one-way passengers shall not be carried except that up to 5 percent of the charter group

may be transported one way in each direction, there shall be no intermingling of passengers and each planeload group, or less than planeload group (see § 212.8(a)(2)), shall move as a unit in both directions, except as provided in § 212.11. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of a round trip is chartered separately in order to avoid the 5-percent limitation aforesaid.

(Secs. 102, 204, 401, 402 of the Federal Aviation Act of 1958, as amended, 92 Stat. 1706, 72 Stat. 743, 92 Stat. 1710, 72 Stat. 757; 49 U.S.C. 1302, 1324, 1371, 1372.)

By the Civil Aeronautics Board:

Phyllis T. Kaylor,
Secretary.

[FR Doc. 79-20963 Filed 8-28-79; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 324

[Regulation PR-212; Amendment No. 1]

Procedures for Compensating Air Carriers for Losses; Approval by the General Accounting Office

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., August 23, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule gives notice that the General Accounting Office has approved the reporting requirements contained in the subject regulation (PR-209, 44 FR 42171, July 19, 1979). This approval is required under the Federal Reports Act, and was transmitted to the Civil Aeronautics Board by letter dated August 17, 1979.

DATES: Adopted: August 23, 1979.
Effective: August 23, 1979.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Economic Analysis, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6044.

Part 324 [Amended]

Accordingly, the Civil Aeronautics Board amends Part 324 of its Procedural Regulations (14 CFR 324) by adding the following note at the end of Part 324:

Note.—The reporting requirements contained in §§ 324.2 and 324.9 have been approved by the U.S. General Accounting Office under B-180226(R0654).

This amendment is issued by the undersigned pursuant to the delegation of authority from the Board to the Secretary in 14 CFR 385.24(b). (Sec. 204

of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324).

By the Civil Aeronautics Board.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 79-20964 Filed 8-28-79; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 211

[DoD Directive 5100.64]¹

DoD Foreign Tax Relief Program

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule defines the tax relief program of the Department of Defense and delineates DoD responsibilities to implement and monitor the program. This rule outlines procedures to effect relief from tax burdens and clarifies statistical reporting.

EFFECTIVE DATE: June 12, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Benjamin Forman, telephone 697-8343, Counselor on International Law, Office of the DoD General Counsel, The Pentagon, Room 3E963, Washington, D.C. 20301.

SUPPLEMENTARY INFORMATION: In FR Doc. 70-15847 appearing in the Federal Register on November 25, 1970 (35 FR 18045), the Department of Defense published Part 211. In FR Doc. 72-7177 appearing in the Federal Register on May 11, 1972 (37 FR 9457), the Department of Defense published an amendment to Part 211. This is an administrative revision of Part 211.

Accordingly, Chapter I, 32 CFR, Subchapter M, Part 211, is revised, reading as follows:

PART 211—DOD FOREIGN TAX RELIEF PROGRAM

Sec.

211.1 Reissuance and purpose.

211.2 Applicability and scope.

211.3 Definitions.

211.4 Policy.

211.5 Responsibilities.

211.6 Country tax law studies.

211.7 Information requirements.

Authority: The provisions of this Part 211 issued under Title 5, U.S.C. 301 and Title 10, U.S.C. 133.

¹ Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. Attention: Code 301.

§ 211.1 Reissuance and Purpose.

This Part (a) is reissued without substantive change, to correct superseded references; and (b) defines the tax relief policy of the Department of Defense, designates the organizational element which has continuing responsibility for the overall direction of the DoD Foreign Tax Relief Program, delineates the responsibilities of other organizational elements to implement and monitor the program, and requires the preparation and maintenance of specified foreign country tax law studies in order to facilitate the institution of statistical reporting procedures.

§ 211.2 Applicability and scope.

(a) The provisions of this Part apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified Command, and the Defense Agencies (hereafter referred to as "DoD Components").

(b) The policy set forth in this Part applies to:

(1) Military functions expenditures by the Department of Defense, and

(2) Expenditures by nonappropriated fund activities of the Department of Defense that are subject to taxes imposed by:

(i) Foreign countries in which U.S. military forces are regularly stationed (other than attache and other military personnel assigned to a U.S. diplomatic mission); and

(ii) Any other foreign country in which all or most U.S. defense activities, in a collective sense, are conducted in the interest of the common defense or otherwise significantly improve the military security of that country.

(c) The policy set forth in this Part also applies to Military Assistance Program (MAP) expenditures in all countries.

§ 211.3 Definitions.

(a) Regardless of how a charge is denominated in foreign law or regulation, the words "tax" and "taxes" include all direct or indirect foreign customs duties, import and export taxes, excises, fees and other charges imposed at the national, local or intermediate level of a foreign country other than charges for services rendered or for other consideration received.

(b) For example, taxes include but are not limited to purchase tax, sales tax, use tax, gross receipts tax, stamp tax, transfer tax, transaction tax, turnover tax, value added tax, service tax, trade tax, business tax, license tax, transportation tax, circulation tax, luxury tax, possession tax, production tax, registration tax, consumption tax,

gasoline tax, real property tax, personal property tax, and gross income tax.

(c) The word "relief" includes any method, technique, or procedure by which the ultimate economic burden of a tax on DoD funds may be avoided or otherwise remedied, such as exemption, refund, or drawback.

§ 211.4 Policy.

It is the policy of the Department of Defense to secure, to the maximum extent practicable, effective relief from all foreign taxes wherever the ultimate economic burden of those taxes would, in the absence of such relief, be borne by funds appropriated or allocated to the Department of Defense (including MAP appropriations) or under the control of its nonappropriated fund activities. In those cases in which the total economic burden of a tax not readily identifiable in the normal course of business is so small that it may be considered a *de minimis* matter, or in which the administrative burden of securing effective relief from a tax in a particular instance would be out of proportion to the amount of the relief obtained, tax relief shall be considered impracticable.

§ 211.5 Responsibilities.

(a) The General Counsel of the Department of Defense shall:

(1) Provide overall supervision and direction of the DoD Foreign Tax Relief Program.

(2) Resolve any significant issues relating to the program.

(3) Designate those countries that come within § 211.2(b)(2)(ii) of this Part.

(4) Direct the preparation of country tax law studies for countries not within the scope of § 211.2(b) of this Part.

(5) Designate the DoD member of the Inter-Agency Committee on Foreign Tax Relief, established by the Department of State.

(b) The Assistant Secretary of Defense (International Security Affairs) shall monitor the negotiation and conclusion of international agreements subject to the Secretary's approval authority under DoD Instruction 2050.1 Delegated Approval Authority to Negotiate and Conclude International Agreements, July 6, 1977,¹ to ensure that such agreements are compatible with the policy set forth in this Part and any implementing guidance concerning that policy issued by the General Counsel of the Department of Defense.

(c) The Chairman, Defense Acquisition Regulatory Council, shall coordinate with the General Counsel of the Department of Defense before the issuance, amendment, or revision of any portion of the Defense Acquisition

Regulatory System (or regulation, directive, circular, or other publication within the scope of 32 CFR 160 that pertains to the implementation of the DoD Foreign Tax Relief Program.

(d) The Assistant Secretary of Defense (Comptroller) shall perform such fiscal functions as may be required to implement the DoD Foreign Tax Relief Program, including advice and assistance in the institution of procedures for collecting data, compiling reports, and performing internal audits.

(e) The Secretary of each of the Military Departments and the Director of each of the Defense Agencies shall issue instructions or regulations that charge a single office within the respective Military Department of Defense Agency (referred to as the "Cognizant Office") with continuing responsibility for supervising and monitoring the implementation of the DoD Foreign Tax Relief Program within such Department or Agency. Such instructions or regulations shall delegate to the Cognizant Office authority commensurate with its responsibility.

(f) Commanders of Unified Commands, as appropriate, shall promulgate management procedures to guide and coordinate the administration of the DoD Foreign Tax Relief Program throughout their respective area commands.

(g) For each foreign country that comes within the scope of subsection B.2. of this Directive, a single Military Commander shall be designated by the Commander of the Unified Command. The designated Military Commander shall be the same designated under the procedures in § 151.3(c) of 32 CFR 151. The designated Military Commander shall:

(1) Make and maintain a current country tax law study in accordance with § 211.6 of this Part.

(2) Be the single point of contact for U.S. contracting officers and activities for the investigation and resolution of specific matters that relate to the foreign tax relief program within the country for which the Military Commander is designated and for the forwarding of major problems affecting that program through proper channels to the General Counsel of the Department of Defense.

(3) Provide liaison with the responsible U.S. diplomatic mission on current tax relief problems and, where appropriate, with local foreign tax authorities.

§ 211.6 Country tax law studies.

(a) The taxes covered by each country tax law study shall be limited to those which in the absence of tax relief, would affect, or would appear to affect, U.S.

Government expenditures, even as a *de minimis* matter. (All such taxes are hereafter referred to as "applicable taxes.") The formats of the studies for all countries shall be similar within each Unified Command insofar as practicable, and designed to facilitate statistical reporting procedures. The studies shall be prepared and maintained with a view to the practical utilization of the studies by U.S. contracting officers and activities for purposes of making reliable estimates of the total amount of taxes applicable to any particular contract and the amount thereof for which tax relief is available.

(b) Each country tax law study shall consist of the following:

(1) A general survey of all applicable taxes, together with translations, as appropriate, of the salient features of the law or regulations imposing those taxes.

(2) For each applicable tax, a summary statement containing: its name; its rate (or rates); the taxing authority (national, provincial, or municipal); the legal incidence of the tax (the nature of the taxpayer or other entity liable for the payment of the tax to the taxing authority under the law of the country); its description (including the base or bases on which the tax is imposed); the applicability of the tax to various types of contracts (supplies, services, or construction) in the event the tax is applicable to only one or several of such types of contracts; the applicability of the tax to the prime contract, as well as to any subcontracts or purchase orders issued by the prime contractor or subcontractor; the applicability of the tax to contractor and subcontractor personnel; the variation, if any, of the applicability of the tax depending upon the domicile of the contractor or contractor personnel, such as United States, host country, or third country; any applicable exemptions or deductions of significance; and the method of collection of the tax.

(3) The basis upon which it is concluded that each applicable tax, in absence of tax relief, would affect, or would appear to affect, U.S. Government expenditures; and any evidence of the degree to which its ultimate economic burden would, in absence of tax relief, be borne by the U.S. Government rather than be absorbed by others.

(4) The substantive tax relief, if any, from each applicable tax that is available to the U.S. Government either by international agreements in force or under the tax law or other regulation of the country; the procedures which may be used to obtain any such relief; the requirement, if any, for the issuance of a tax exemption certificate by the military procuring agency or by an agency of the

country to secure an exemption; the entitlement, if any, of the taxpayer to interest on any tax refund made by the host country; the credits, if any, that may be available against any other taxes otherwise payable by the taxpayer resulting from the payment of the tax under analysis; the approximate amount of the tax that should be involved in a particular case, if such can be estimated, taking into account the costs of filing a claim for refund by a contractor to warrant filing such a claim; and a brief narration of any significant problems which have occurred in attempting to obtain relief in particular cases.

(5) A conclusion with regard to the adequacy of current tax relief measures; and such recommendations as may be appropriate for more efficient implementation of the policy set forth in this Part.

(c) Appended to each country tax law study shall be a verbatim quotation of all provisions relating to tax relief afforded by the country that are contained in international agreements in force.

(d) One copy of each country tax law study shall be forwarded to the General Counsel of the Department of Defense and to each of the Cognizant Offices of the Military Departments and Defense Agencies within 30 days after its approval by the designated Military Commander. The information contained in the studies shall be disseminated by the Cognizant Offices to U.S. contracting officers and activities when required.

(e) Country tax law studies shall be subject to continuing review. When there is a significant change in country tax laws, regulations, tax relief procedures, or in pertinent international agreements in force, the corresponding revision shall be promptly forwarded by the designated Military Commander to each of the offices referred to in § 211.6(d).

§ 211.7 Information Requirements.

(a) The reporting requirement contained in § 211.6 relating to the submission of country tax law studies and revisions thereof is assigned Report Control Symbol DDSD (AR) 1036.

(b) Each January a summary of significant activities during the preceding year in implementation of the DoD Foreign Tax Relief Program shall be furnished by the Heads of Cognizant Offices to the General Counsel of the Department of Defense. The summary, in narrative form, shall include actions taken by the Cognizant Office to discharge its responsibility for supervising and monitoring the implementation of the foreign tax relief program within its Military Department

or Defense Agency, and for disseminating the information contained in country tax law studies to U.S. contracting officers and activities. The reporting requirement contained in this subsection is assigned Report Control Symbol DDGC (A) 1198.

(c) Each January a summary of significant activities during the preceding year of the administration of the foreign tax relief program shall be furnished by Commanders of the Unified Commands to the General Counsel of the Department of Defense. The summary, in narrative form, shall include actions taken by the Unified Command to discharge its responsibility to supervise and coordinate the preparation and maintenance of country tax law studies. The reporting requirement contained in this subsection is assigned Report Control Symbol DDGC (A) 1199.

August 24, 1979.

H. E. Lofdahl,

Deputy Director, Correspondence and Directives Washington Headquarters Services, Department of Defense.

[FR Doc. 79-26907 Filed 8-28-79; 8:45 am]

BILLING CODE 3810-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1306-3]

Approval and Promulgation of Implementation Plans; Minnesota

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces approval of a request by the State of Minnesota for an eighteen month extension of the statutory timetable for submittal of the portion of its State Implementation Plan (SIP) revision implementing the National Secondary Ambient Air Quality Standards for total suspended particulates. The portion of the Minnesota SIP addressing particulate secondary nonattainment areas must be submitted by July 1, 1980 for the United States Environmental Protection Agency's (USEPA) approval or disapproval by January 1, 1981. The following five nonattainment areas are the subject of the extension: Cloquet, East Grand Forks, the Iron Range, Red Wing, and Silver Bay.

EFFECTIVE DATE: August 29, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Jay Bortzer, Minnesota State Specialist, Air Programs Branch, United

States Environmental Protection Agency Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6066.

SUPPLEMENTARY INFORMATION: On January 8, 1979, the Executive Director of the Minnesota Pollution Control Agency submitted to the Regional Administrator Region V, a request for a twelve month extension of the statutory submittal date for the portion of the Minnesota State Implementation Plan implementing the National Secondary Ambient Air Quality Standard for total suspended particulates. On March 9, the Executive Director of the Minnesota Pollution Control Agency submitted additional information and requested that the extension be for eighteen months. These requests were made pursuant to section 110(b) of the Clean Air Act. The United States Environmental Protection Agency published a document in the *Federal Register* (44 FR 30378) on May 25, 1979 proposing to approve the request of the State of Minnesota for an eighteen month extension of the January 1, 1979 deadline for submittal of the SIP revision and the July 1, 1979 deadline for its approval by USEPA. Interested parties were given until June 25, 1979, to submit written comments on the request for an extension and on USEPA's proposed approval. No comments were received.

The United States Environmental Protection Agency has determined that the request satisfies the requirements of 40 CFR 51.31 since a showing has been made by Minnesota that attainment cannot be achieved without emission reductions greater than those that can be achieved through the application of Reasonably Available Control Technology (RACT). Further, Minnesota has properly given notice of the requested extension to the States of Wisconsin and North Dakota which adjoin some of the air quality control regions which are the subject of this extension. Accordingly, the Administrator approves the extension request. The portion of the Minnesota SIP implementing the National Secondary Ambient Air Quality Standards for particulates in Cloquet, East Grand Forks, the Iron Range, Red Wing, and Silver Bay must be submitted to USEPA by July 1, 1980 for USEPA approval or disapproval by January 1, 1981.

During this extension, the Emission Offset Interpretative Ruling published January 16, 1979 (44 FR 3274) will apply to the five secondary nonattainment areas which are all areas violating only a Secondary National Ambient Air Quality Standard. If during the

extension, however, the State submits and USEPA approves a SIP revision containing preconstruction review provisions which satisfy the requirements of Part D of the Act, the preconstruction review provisions of the revised SIP rather than the interpretative ruling will apply to the five secondary nonattainment areas.

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Dated: August 22, 1979.

Douglas Costle,
Administrator.

Title 40 of the Code of Federal Regulations, Chapter 1, Part 52, is amended as follows:

1. Section 52.1220(c) is amended by adding a new paragraph (13) to read as follows:

§ 52.1220 Identification of plan

* * * * *

(c) * * *

(13) A request for an extension of the statutory timetable for the submittal of the portion of the Minnesota State Implementation Plan implementing the National Secondary Ambient Air Quality Standards for total suspended particulates was submitted by the Executive Director of the Minnesota Pollution Control Agency on January 8, 1979 and was supplemented with additional information on March 9, 1979.

2. A new § 52.1235 is added as follows:

§ 52.1235 Extensions.

The Administrator hereby extends for eighteen months the statutory timetable for submission of Minnesota's plan for attainment and maintenance of the National Secondary Ambient Air Quality Standards for total suspended particulates in Cloquet, East Grand Forks, the Iron Range, Red Wing, and Silver Bay. The plan is due by July 1, 1980.

[FR Doc. 79-26987 Filed 8-28-79; 8:45 am]

BILLING CODE 5560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

42 CFR Part 51f

Project Grants for Genetic Diseases Testing and Counseling Programs

AGENCY: Public Health Service, HEW.

ACTION: Confirmation of final rule.

SUMMARY: This document confirms provisions of a final regulation for the administration of project grants for genetic diseases testing and counseling services, as authorized by Title XI of the Public Health Service Act. The regulation provides program requirements for grantees and potential grantees.

EFFECTIVE DATE: April 23, 1979.

FOR FURTHER INFORMATION CONTACT: Audrey Manley, M.D., Acting Chief, Genetic Services Branch, Office of Maternal and Child Health, Bureau of Community Health Services, Room 6-40, 5600 Fishers Lane, Rockville, MD 20857, Phone: (301) 443-1080.

SUPPLEMENTARY INFORMATION: On April 23, 1979, the Secretary published a final rule to implement the Genetic Diseases Act, Part A, Title XI of the Public Health Service Act (Act) (42 U.S.C. 300b), as amended by section 205 of Public Law 95-626 (November 10, 1978).

The original legislation, enacted in April 1976, authorized grants only for projects to establish and operate genetic diseases testing and counseling programs (section 1101(a) of the Act). The statutory amendments of November 1978 added language which authorizes grants for projects *to plan*, as well as to establish and operate, these programs. Since the amendments authorizing "planning" activities were enacted after publication of a Notice of Proposed Rulemaking (NPRM) on May 5, 1978, the Secretary decided to afford an additional comment period of 45 days regarding the implementation of this authority in the final regulation. The Secretary further indicated that the final rule would be revised as warranted by the comments received.

No comments were received by the close of the comment period, June 7, 1979. Therefore, this issuance notifies the interested public that the final rule governing the administration of grants for projects to plan, establish, and operate genetic diseases testing and counseling programs remains effective as originally published on April 23, 1979.

Dated: August 1, 1979.

Julius B. Richmond

Assistant Secretary for Health.

Approved: August 21, 1979.

Patricia Roberts Harris,

Secretary.

[FR Doc. 79-26006 Filed 8-28-79; 8:45 am]

BILLING CODE 4110-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[Docket No. 21348]

Private Land Mobile Radio Service; Providing a New Part 90 That Reregulates and Consolidates Parts 89, 91 and 93; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: In an effort to set forth a simple and more manageable set of rules for use by applicants, licensees, and industry users, the Federal Communications Commission published regulations at 43 FR 54788, November 22, 1978 providing for the consolidation and updating of the private land mobile radio services provisions. This document makes necessary corrections because of omissions and inaccuracies which occurred in preparation and printing.

EFFECTIVE DATE: January 2, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Arthur C. King, Rules Division, Private Radio Bureau, (202) 632-6497.

In the matter of amendment of the Commission's rules governing the private land mobile radio service to provide a new Part 90 that reregulates and consolidates Parts 89, 91, and 93. Second Errata.

Released: August 24, 1979.

The appendix to the Report and Order in this proceeding (FCC 78-799, 43 FR 54788), contained a new Part 90 which consolidated the Rules and Regulations formerly contained in Parts 89, 91, and 93. In the process of consolidating, a number of omissions and inaccuracies occurred which are the subject of this errata.

§ 90.17 [Corrected]

1. In § 90.17(b) on page 54795, correct the Local Government Radio Service frequency table entry below to read as follows:

* * * * *

72-76 — Operational fixed — 6

* * * * *

§ 90.19 [Corrected]

2. (a) On page 54797, in § 90.19(d) correct the Police Radio Service frequency table as follows:

* * * * *

37.10 — do. — 9

(b) In § 90.19(d) delete "38.18 — do. — 9" and insert

39.18 — do. — 9"

* * * * *

§ 90.21 [Corrected]

3. On page 54800, in § 90.21(b) correct the Fire Radio Service frequency entries below to read as follows:

* * * * *

45.88 — do. — 2

* * * * *

450-470 — fixed — 6

* * * * *

§ 90.23 [Corrected]

4. In § 90.23(b) on page 54801, correct the Highway Maintenance Radio Service frequency table as follows:

* * * * *

450-470 — fixed — 7

* * * * *

§ 90.25 [Corrected]

5. In § 90.25(b) on page 54802, correct the Forestry-Conservation Radio Service frequency table as follows:

* * * * *

450-470 — fixed — 13

* * * * *

470-512 — Base or Mobile — 15

* * * * *

6. In § 90.55, on page 54807, correct the first sentence to read as follows:

§ 90.55 Paging operations.

Effective August 15, 1974, paging operations may be authorized in the Special Emergency Radio Service only on frequencies assigned under the provisions of §§ 90.53(b)(4) and 90.53(b)(25). * * *

7. In § 90.61, on page 54807, correct the second sentence to read as follows:

§ 90.61 General eligibility.

* * * * *

Eligibility is also provided, except in the Business and Special Industrial Radio Services, for a non-profit corporation or association that is organized for the purpose of furnishing a radio communications service to persons actually engaged in any of the eligibility activities set forth in the particular service involved subject to the cooperative use provisions of § 90.181.

§ 90.63 [Amended]

8. In § 90.63(c) on page 54808, correct the Power Radio Service frequency table as follows:

* * * * *

154.45625 — fixed or mobile — 7, 21, 22, 23

* * * * *

9. In § 90.65(a) on page 54809, correct the final sentence to read as follows:

§ 90.65 Petroleum Radio Service.

(a) *Eligibility.* * * * However, persons engaged solely in the containment or cleanup of oil spills will only be assigned those frequencies designated by limitations (6) or (9) in this section.

10. In § 90.65(b) on page 54809, correct the Petroleum Radio Service frequency table as follows:

* * * * *

25.10 — do. — 3, 4, 7

* * * * *

406-413 — operational fixed — 23

* * * * *

11. In § 90.65(c) on page 54810, correct paragraph (1) to read as follows:

(1) Frequencies below 25 MHz will be assigned to base or mobile stations in this service only upon a satisfactory showing that, from a safety of life standpoint, frequencies above 25 MHz will not meet the operational requirements of the applicant.

12. In § 90.65(d) on page 54811, correct paragraph (1) as follows:

(1) Frequencies may be substituted for those available below 25 MHz in accordance with the provisions of § 90.263.

§ 90.73 [Corrected]

13. In § 90.73(c), Frequencies available, on page 54815 delete 27.69 from the Special Industrial Radio Service frequency table and correct the frequency table as follows:

* * * * *

72-76 — Operational fixed — 6

* * * * *

§ 90.79 [Corrected]

14. In § 90.79(c) on page 54822, Frequencies available, correct the Manufacturers Radio Service frequency table as follows:

Delete the 351.375 — do. — 13 entry in its entirety. Insert in proper numerical sequence:

* * * * *

451.375 — do. — 13

451.425 — do. — 13

* * * * *

15. In § 90.79(d), correct paragraph (9) on page 54823, to read:

(9) This frequency is available on a shared basis with other Industrial Radio

Services as follows: Power, Forest Products, Special Industrial, Petroleum, Business, and the Local Government Radio Service and may be used in this service only for the purpose of remote control and telemetering.

§ 90.81 [Corrected]

16. In § 90.81(f), Limitation on number of frequencies assignable, correct paragraph (3) on page 54824, to read:

(3) Frequencies in the 25–50 MHz, 150–170 MHz, and 450–512 MHz bands and the frequency bands 903–904 MHz, 904–912 MHz, 918–926 MHz, and 926–927 MHz may be assigned for the operation of automatic vehicle monitoring (AVM) systems in accordance with § 90.239, notwithstanding this limitation.

§ 90.87 [Corrected]

17. In § 90.87 on page 54824, General Eligibility, correct the final sentence to read:

Eligibility is also provided for a non-profit corporation or association that is organized for the purpose of furnishing a radio communications service to persons actually engaged in any of the eligibility activities set forth in the particular service involved subject to the cooperative use provisions of § 90.183.

§ 90.175 [Corrected]

18. In § 90.175, Frequency coordination requirements, correct paragraph (a)(2) on page 54834 to read:

(2) A statement from a frequency coordinating committee recommending the frequency which, in the opinion of the committee, will result in the least amount of interference to all existing stations operating in the particular area. The Committee's recommendations may appropriately include comments on technical factors such as power, antenna height and gain, terrain, and other factors which may serve to mitigate any contemplated interference. The Committee shall not recommend any adjacent channel frequency 15 kHz removed to existing stations which would result in a separation of less than 10 miles. The frequency advisory committee must be so organized that it is representative of all persons who are eligible for radio facilities in the service concerned in the area the committee purports to serve. The functions of such committees are purely advisory in character, and their recommendations cannot be considered as binding upon either the applicant or the Commission, and must not contain statements which would imply that frequency advisory committees have any authority to grant or deny applications. If the frequency

recommended is in the 150–170 MHz band, is 15 kHz removed from a frequency which is available to another radio service, and is assignable only after coordination, the committee's statement shall affirmatively show that coordination with a similar committee for the other service has been accomplished.

19. In § 90.175(b), correct paragraph (b)(1) on page 54834, to read:

(1) A report showing that the frequencies applied for are available for assignment in accordance with the applicable loading and separation standards, as specified in §§ 90.303 and 90.307, or;

20. In § 90.175, correct paragraph (e)(10) to read:

(10) Applications in the Business Radio Service for a frequency below 450 MHz where both frequencies immediately adjacent (± 20 or 30 kHz) are available for assignment in that service.

§ 90.181 [Corrected]

21. In § 90.181, correct paragraph (b) on page 54835, to read:

(b) A base station licensee who enters into a cooperative arrangement in accordance with the provisions of paragraph (a)(2) of this section shall obtain prior approval from the Commission for each person who proposes to enter into said arrangement.

§ 90.183 [Corrected]

22. In § 90.183, on page 54836, correct the second sentence of the opening paragraph to read:

The installation and use of mobile units, operated under the licensee's station authorization, in the vehicles of other persons furnishing the licensee, under contract, services or facilities within the purview of the established scope of the service in which the station is authorized, in accordance with the provisions of § 90.421 (i) and (j) shall not be considered the rendition of a private radiocommunication service when the communications involved relate solely to the furnishing of such services or facilities to the licensee.

§ 90.233 [Corrected]

23. In § 90.233 on page 54841, correct the first sentence of the opening paragraph to read:

On a secondary basis to voice operations, the use of A2, A9, F2, F9 (audio frequency toneshift or tone phase shift) or F9Y emission may be

authorized to base/mobile operations in accordance with the following limitations and requirements.

§ 90.421 [Corrected]

24. In § 90.421 on page 54867, add a new paragraph (j) as follows:

(j) Mobile units licensed to an eligible in the Railroad Radio Service may be installed in vehicles operated by organizations providing, under contract, facilities or service in connection with railroad operation or maintenance including pickup, delivery, or transfer between stations of property shipped, continued in, or destined for shipment by railroad common carrier. Provided, that the parties to the contract comply with the provisions of § 90.183.

§ 90.425 [Corrected]

25. In § 90.425, correct paragraph (d)(1) on page 54869, to read:

(1) It is a mobile station operating on the transmitting frequency of the associated base station.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 79-28654 Filed 8-28-79; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register

Vol. 44, No. 169

Wednesday, August 29, 1979

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 214]

Nonimmigrant Alien (H-1) Nurses; Proposed Examination Requirement

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: This is a proposal to amend the Immigration and Naturalization Service regulations to require nonimmigrant professional nurses to pass the screening examination given by the Commission on Graduates of Foreign Nursing Schools in order to qualify for the "H-1" nonimmigrant visa classification. This amendment is necessary because at this time there is no way to determine, prior to adjudication of the visa petition, the probability of the nurse beneficiary being able to pass the state licensure examination in the United States. This amendment is intended to provide a test of the capabilities of foreign professional nurses in all the areas of nursing for which American nurse graduates are responsible and thereby to afford an objective estimate of their ability to pass state licensure examinations in the United States and to perform services here of the "exceptional nature" required by the statute.

DATES: Representations must be received on or before October 29, 1979.

ADDRESSES: Please submit written representations, in duplicate, to the Commissioner of Immigration and Naturalization, Room 7100, 425 Eye Street, N.W., Washington, DC 20536.

FOR FURTHER INFORMATION CONTACT: James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service, Washington, DC 20536. Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: Section 101(a)(15)(H)(i) of the Immigration and Nationality Act in part defines as a

nonimmigrant an alien having a residence in a foreign country which he has no intention of abandoning, "who is of distinguished merit and ability and who is coming temporarily to the United States to perform services of an exceptional nature requiring such merit and ability." By regulation the Service has provided that the alien professional nurse may meet this definition if, among other things, it is established that he or she is fully qualified under the laws of the place of intended employment in the United States to perform the desired services, e.g., practice professional nursing. This is most often accomplished by a showing that the State in which the nurse is to practice issues temporary permits or licenses to foreign nurses to engage in their profession pending their taking and passing the examination for permanent licensure. Many foreign nurse graduates who have been admitted as nonimmigrants, however, fail the examinations for permanent licensure and then are not permitted to continue practicing professional nursing. Since they can no longer perform the professional services for which they were admitted, they lose their nonimmigrant status and should depart the United States. Those who do not leave are relegated to working in jobs, sometimes menial, and much below the professional status under which they were admitted to the United States. In fairness to nonimmigrant nurses and to achieve a more equitable administration the immigration laws with respect to them, a better means was needed to determine in advance of adjudicating a petition the probability of the nurse-beneficiary being able to pass the State licensure examination and to perform services here of the "exceptional nature" required by the statute. Such a means is now available in the screening examination given both abroad and in the United States by the Commission on Graduates of Foreign Nursing Schools (CGFNS).

The CGFNS is an independent, non-profit organization established at the behest of the Division of Nursing, Bureau of Health Manpower, Department of Health, Education and Welfare, which also had become concerned over the increasing number of foreign nurse graduates in the United States, who could not achieve State licensure. The CGFNS developed this examination to test the capabilities of

foreign professional nurses in all the areas of nursing for which American nurse graduates are responsible, and to afford an objective estimate of their ability to pass licensure examinations in the United States. This proposed regulation adds the requirement to pass this examination as a condition for approval of a petition to classify a professional nurse as a nonimmigrant under section 101(a)(15)(H)(i) of the Act.

The examination is given in April and October of each year, in the United States and approximately 30 other countries throughout the world.

Further information may be obtained from the Commission on Graduates of Foreign Nursing Schools (CGFNS), 3624 Market Street, Philadelphia, PA 19104.

In the light of the foregoing, it is proposed to amend Chapter I of Title 8 of the Code of Federal Regulations by revising 8 CFR 214.2(h)(2)(iv) as set forth below.

PART 214—NONIMMIGRANT CLASSES

In Part 214, it is proposed to revise § 214.2(h)(2)(iv) as set forth below:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

(h) *Temporary employees.* * * *
(2) *Petition for alien of distinguished merit and ability.* * * *

(iv) *Nurses.* A petitioner seeking to accord a nurse a classification as a nonimmigrant under section 101(a)(15)(H)(i) of the Act shall attach to the petition (Form I-129B), (A) evidence that the beneficiary has obtained a full and unrestricted license to practice professional nursing in the country where she/he obtained her/his nursing education, or that such education was obtained in the United States or Canada; (B) evidence that the beneficiary has passed the examination given by the Commission on Graduates of Foreign Nursing Schools, Philadelphia, PA 19104; and (C) a statement by the petitioner certifying that the beneficiary is fully qualified and eligible under the laws governing the place of intended employment to engage in the practice of professional nursing immediately upon admission to the United States, and that under those laws the petitioner is authorized to employ the beneficiary to perform services as a professional nurse. If the laws governing the place where the services will be

performed place any limitations on the services to be rendered by the beneficiary, the statement should contain details as to the limitations. The district director shall consider any such limitations in determining whether the services which the beneficiary would perform are of the exceptional nature required by the Act.

(Sec. 103, 8 U.S.C. 1103, Interpret or apply sec. 214, 8 U.S.C. 1184)

Public Comment Invited

Members of the interested public are invited to submit relevant data, views and arguments relative to the provisions of this proposed rule. All relevant comments received on or before October 29, 1979 will be considered.

Dated: August 24, 1979.

Leonel J. Castillo,

Commissioner of Immigration and Naturalization.

[FR Doc. 79-28973 Filed 8-28-79; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[10 CFR Part 211]

[Docket No. ERA-R-79-41]

Phased Deregulation of Upper Tier Crude Oil

AGENCY: Economic Regulatory Administration, Department of Energy.
ACTION: Notice of Proposed Rulemaking and Public hearing.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is proposing amendments to the crude oil pricing regulations to implement the President's decision to gradually deregulate domestic upper tier crude oil prices, beginning January 1, 1980 and reaching full decontrol on October 1, 1981, when existing authority to control petroleum prices expires. The proposal would permit market prices to be charged for first sales of a steadily increasing percentage of what would otherwise be upper tier crude oil produced from each property. Comments are requested on this or alternative means of achieving the objective of gradually decontrolling all domestic crude oil prices by October 1, 1981.

DATES: Proposed effective date: January 1, 1980. All requests to speak at a hearing by October 5, 1979, 4:30 p.m. Albuquerque hearing date: October 16, 1979, 9:30 a.m. Washington hearing date:

October 24, 1979, 9:30 a.m. All written comments by October 31, 1979, 4:30 p.m.

ADDRESSES: All written comments and requests to speak at the Washington hearing to: Economic Regulatory Administration, Office of Public Hearings Management, Docket No. ERA-R-79-41, Room 2313, 2000 M Street, NW., Washington, D.C. 20461. All requests to speak at the Albuquerque hearing to: Department of Energy, 2626 West Mockingbird Lane, P.O. Box 352228, Dallas, Texas 75235, Attention: Mack L. Lacefield. Albuquerque hearing location: Navaho Nambe Room, Albuquerque Inn, Second and Marquette Streets, Albuquerque, New Mexico 87103 (Telephone: (505) 247-3344). Washington hearing location: Room 2105, 2000 M Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Comment Procedures), Economic Regulatory Administration, Room 2222-A, 2000 M Street, NW., Washington, D.C. 20461, (202) 254-5201.
William L. Webb (Office of Public Information), Economic Regulatory Administration, Room B-110, 2000 M Street, NW., Washington, D.C. 20461, (202) 634-2170.

William Carson (Regulations and Emergency Planning), Economic Regulatory Administration, Room 2310, 2000 M Street, NW., Washington, D.C. 20461, (202) 254-7477.

Jack Kendall or Ben McRae (Office of General Counsel), Department of Energy, Room 6A127, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-6739.

SUPPLEMENTARY INFORMATION:

- I. Introduction
- II. Proposed Amendments
- III. Written Comment and Public Hearing Procedures
 - A. Written Comments
 - B. Public Hearings
- IV. Procedural Requirements

I. Introduction

The President has announced his intention to deregulate all domestic crude oil. He has also submitted to the Congress an initiative to impose a windfall profits tax on oil producer profits generated by OPEC-controlled increases in world market prices and in excess of amounts needed to encourage domestic exploration and development. The program to decontrol crude oil is not dependent, however, on Congressional action on the windfall profits tax.

In order that the national economy may adjust to the effects of deregulation in an orderly fashion, the President's schedule calls for the deregulation of domestic crude oil prices to be phased in gradually so as to be complete by October 1, 1981, the expiration date of

our authority to regulate prices for crude oil and refined petroleum products under the Emergency Petroleum Allocation Act of 1973 (15 U.S.C. 751 *et seq.*, Pub. L. 93-159, as amended). Several steps have already been taken to carry out this schedule. As a result of these steps, producers may currently charge market prices for all production from properties which qualify as newly discovered properties (44 FR 25828, May 2, 1979) or heavy oil properties (Executive Order No. 12153, 44 FR 48949, August 21, 1979). Market prices may also be received for the incremental production resulting from a tertiary project (43 FR 33679, August 1, 1978). In addition, we have provided for the gradual conversion of most lower tier crude oil to upper tier crude oil by October 1, 1979 (44 FR 25168, April 27, 1979).

As the final step in the President's program, we are proposing amendments to the price regulations which would provide, as explained below, for the gradual deregulation of upper tier crude oil between January 1, 1980, and October 1, 1981. The proposal would apply not only to current upper tier production, but also to all lower tier production that is gradually being converted to upper tier levels. On October 1, 1981, the price regulations on all domestic crude oil production will expire.

II. Proposed Amendments

The phased deregulation of domestic crude oil prices could be accomplished either by gradually decreasing the volume of crude oil subject to price controls or by gradually increasing the ceiling price for first sales of price controlled crude oil until that price equals the market price. We believe that a gradual decrease in the volume of crude oil subject to price controls would be simpler and surer; would ease industry's transition to the rigors of unregulated dealings; and would involve less administrative burden than ceiling price adjustments, particularly in view of the uncertainty as to what world market prices for crude oil will be on October 1, 1981. In addition, such action would permit the prices for first sales of an increasing amount of domestic crude oil to be determined by actual market factors without reference to the crude oil pricing regulations, and, thus, ease the transition to a market in which prices are determined solely by market factors. Finally, gradual release of increasing volumes of upper tier oil to market levels would not create an incentive to withhold production, as a gradual increase of upper tier prices to market levels might.

Accordingly, we are proposing that, beginning January 1, 1980, market prices be permitted for first sales of a specified percentage of the crude oil produced from properties that would otherwise be subject to upper tier ceiling prices. This percentage would reflect the gradual phased decontrol of upper tier crude oil production for the 22 months beginning in January 1980 and ending on October 1, 1981. For January 1980 the specified percentage would be 4.6 percent (approximately one twenty-second), and in each succeeding month the specified percentage would be increased by an additional 4.6 percent. Consequently, by October 1, 1981, market price would be permitted for the first sales of all upper tier crude oil.

The above proposal deals with the phased deregulation of upper tier crude oil. We believe this concentration on upper tier crude oil to be appropriate since almost all increased production is either upper tier crude oil or is released to market levels under existing rules. Moreover, as noted, the existing regulations already provide for the gradual conversion of lower tier crude oil to upper tier crude oil.

Comments are requested on this proposal. We will also give consideration in this rulemaking to variant proposals, provided commenters are able to suggest the means by which such alternatives can be implemented without either causing the withholding of production until higher prices can be obtained or having to predict what world oil prices will be at some future date. Comments should address such factors as whether this proposal or some other alternative would provide the greater incentive for increased domestic production, would be easier for DOE to administer and producers to comply with, and would cause the lesser disruption of the economy. Finally, we request comments on other provisions of the crude oil pricing and allocation regulations which should be amended to conform to these amendments.

III. Written Comment and Public Hearing Procedures

A. Written Comments

You are invited to participate in this proceeding by submitting data, views or arguments with respect to any matters relevant to this notice. Comments should be submitted by 4:30 p.m., October 31, 1979 to the address indicated in the "Addresses" section of this notice and should be identified on the outside envelope and on the document with the docket number and the designation: "Crude Oil

Deregulation." Ten copies should be submitted.

Any information or data submitted which you consider to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of such information or data and to treat it according to our determination.

B. Public Hearings

1. *Procedure for Requests to make Oral Presentation.* If you have any interest in the matters discussed in this notice, or represent a group or class of persons that has an interest, you may make an oral request by 4:30 p.m., October 5, 1979, for an opportunity to make oral presentation at either the Albuquerque or Washington hearing on today's amendments. You should provide a phone number where you may be contacted through the day before the hearing.

If you are selected to be heard at a hearing, you will be so notified before 4:30 p.m., October 11, 1979, and will be required to submit one hundred copies of your statement to the Washington hearing location before 4:30 p.m., October 24, 1979 or the Albuquerque hearing location before 9:30 a.m. on the day of the hearing.

2. *Conduct of the Hearings.* We reserve the right to select the persons to be heard at the hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An ERA official will be designated to preside at each of the hearings. These will not be judicial-type hearings. Questions may be asked only by those conducting the hearings. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

If you wish to ask a question at a hearing, you may submit the question, in writing, to the presiding officer. The ERA or, if the question is submitted at a hearing, the presiding officer will determine whether the question is relevant, and whether time limitations permit it to be presented for answer. The question will be asked of the witness by the presiding officer.

Any further procedural rules needed for the proper conduct of a hearing will be announced by the presiding officer.

Transcripts of the hearings will be made and the entire records of the hearings, including the transcripts, will be retained by the ERA and made available for inspection at the DOE Freedom of Information Office, Room GA-152, James Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. You may purchase a copy of the transcript of either hearing from the reporter.

IV. Procedural Requirements

We are preparing a regulatory analysis which carefully examines today's proposal and possible alternative actions. Upon completion of a draft of this analysis, we will publish a notice announcing its availability.

As required by section 7(a) of the Federal Energy Administration Act of 1974 (15 U.S.C. 787 *et seq.*) a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency (EPA) for his comments concerning the impact of this proposal on the quality of the environment. The EPA Administrator has responded that EPA does not have any comments on the environmental effects of this proposal at this time.

Pursuant to the requirements of section 404(a) of the Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*) we have referred this proposal, concurrently with the issuance hereof, to the Federal Energy Regulatory Commission for a determination as to whether it would significantly affect any matter within the Commission's jurisdiction.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. 751 *et seq.*, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, 15 U.S.C. 787 *et seq.*, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, 42 U.S.C. 6201 *et seq.*, Pub. L. 94-163, as amended, Pub. L. 94-385, and Pub. L. 95-70; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*, Pub. L. 95-91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267)

In consideration of the foregoing, Part 212 of Chapter II of Title 10 of the Code of Federal Regulations is proposed to be amended as set forth below, effective January 1, 1980.

Issued in Washington, D.C., August 22, 1979.

David J. Bardin,

Administrator, Economic Regulatory Administration.

§ 212.72 [Amended]

1. Section 212.72 is revised by the addition between the definitions of "Marginal property" and "New crude oil" of the following new definition of "Market level new crude oil":

"Market level new crude oil" means, with respect to a particular property during a particular month, the product of the market level factor for that month and the volume of new crude oil produced and sold from that property during that month. The market level factor for January 1980 shall be four and six-tenths percent (4.6%) and shall be increased by four and six-tenths percent (4.6%) in each succeeding month.

§ 212.74 [Amended]

2. Section 212.74(a) is revised to read as follows:

(a) Notwithstanding the provisions of § 212.73(a), a producer may in any month charge a price not to exceed the upper tier ceiling price in first sales of new crude oil, except that first sales of market level new crude oil are not subject to the ceiling price limitations of this subpart.

[FR Doc. 79-26918 Filed 8-26-79; 8:45 am]

BILLING CODE 6450-01-M

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 701]

Organization and Operations of Federal Credit Unions; Debt Collection Practices

AGENCY: National Credit Union Administration.

ACTION: Notice of Intent.

SUMMARY: After examining the comments received in response to its Advance Notice of Proposed Rulemaking, the National Credit Union Administration has decided not to propose a regulation governing the debt collection practices of Federal credit unions at this time.

EFFECTIVE DATE: August 29, 1979.

ADDRESS: National Credit Union Administration, 2025 M Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: John L. Culhane, Jr., Attorney Advisor,

Office of General, or Joseph F. Myers, Consumer Affairs Specialist, Division of Consumer Affairs, Office of Examination and Insurance, National Credit Union Administration, 2025 M Street, N.W., Washington, D.C. 20456. Telephone numbers: (202) 254-8760 (Mr. Myers), (202) 632-4870 (Mr. Culhane).

SUPPLEMENTARY INFORMATION: On April 5, 1979, NCUA published in the *Federal Register* an Advance Notice of Proposed Rulemaking, 44 FR 20447 (1979).

Comments were requested so that NCUA could determine the nature and degree of any abusive debt collection practices and so that NCUA could determine if Federal credit unions were having problems complying with the diverse Federal and state laws and regulations governing debt collection. Comments were also requested as to what NCUA should do, assuming that further actions were warranted. NCUA suggested three alternatives: (1) continue the present practice of investigating and attempting to resolve all complaints, while referring to the FTC cases which suggest that unfair or deceptive practices have been employed; (2) publish a statement of policy stating that certain debt collection practices are considered by the Administration to be unsafe and unsound practices justifying an administrative cease and desist action (This would put Federal credit unions on notice of the collection practices NCUA would challenge, but would leave NCUA with the burden of proving the practices to be unsafe and unsound ones); and (3) publish a regulation. NCUA welcomed suggestions as to other alternatives.

In order to allow all interested persons sufficient opportunity to comment, and to clarify the nature of the steps being taken, the comment period on the Advance Notice was extended from May 15, 1979 to June 30, 1979. 44 FR 32230 (1979). At the same time, a questionnaire was prepared and mailed to all state and selected local consumer affairs offices to determine whether complaints about the collection practices of Federal credit unions were being made to those organizations instead of NCUA.

A total of 95 questionnaires were sent. Thirty-nine responses were received. Five stated that no statistics were kept on the number of complaints received concerning Federal credit unions. Nineteen reported that no complaints had been received. The fifteen remaining commenters reported very few complaints. Most of the responses indicated that the number of complaints about the collection practices of Federal credit unions was substantially less than

the number of complaints received about the practices of other financial institutions.

Based on these responses, the Administration agrees with the assertions made by several commenters that a regulation is not warranted at this time. However, a number of commenters stated that NCUA guidelines as to acceptable collection practices would be welcome. Debt collection guidelines are therefore being prepared, and will be distributed to all Federal credit unions.

Lawrence Connell,

Chairman.

August 23, 1979.

[FR Doc. 79-26983 Filed 8-28-79; 8:45 am]

BILLING CODE 7535-01-M

CIVIL AERONAUTICS BOARD

[EDR-351B/SPDR-73, Docket 31788, dated August 23, 1979]

[14 CFR Parts 207, 208, 212, 214, and 380]

Proposed Removal of Limitations on Cargo Charters

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental Notice of Proposed Rulemaking.

SUMMARY: This proposal would allow cargo to be carried on the main deck of the aircraft on split passenger/cargo charters, would eliminate for cargo charters the requirement that the entire aircraft be engaged in the aggregate, and would allow part charters of cargo on scheduled cargo or combination flights. It would also require passenger charter operators to state in their contracts with individual participants, in boldface type, the baggage allowance and charges for each passenger. The proposal is made at the Board's own initiative.

DATES: Comments by: October 29, 1979.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List: September 10, 1979. Docket Section prepares the Service List and sends it to each person listed, who then serves his comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 31788, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Mark Frisbie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTARY INFORMATION:

On December 5, 1977, Trans International Airlines and World Airways (TIA/World) filed a petition for rulemaking to amend 14 CFR Parts 207, 208, 212, and 214 to permit split all-cargo charters (use of the aircraft by two or more charterers) and also to permit carriage of cargo in the excess belly space of passenger charters. The petition did not request that cargo be allowed on the main deck along with passengers.

The Board issued a Notice of Proposed Rulemaking, EDR-351 (43 FR 14519, April 6, 1978), asking for public comments on the TIA/World petition, and inviting a general examination of the restrictions on charter cargo service. A final rule dealing with split all-cargo charters and split passenger/cargo charters in which cargo is restricted to the belly of the plane is being adopted simultaneously with this proposal.¹ This supplemental notice proposes to allow the carriage of cargo together with passengers on the main deck, to eliminate the requirement that the aircraft be fully engaged in the aggregate, and to allow shippers to charter space on a flight carrying individually-ticketed passengers or individually-waybilled cargo. The notice also proposes a consumer protection provision prompted by some of the comments in response to EDR-351.

Cargo Charter Limitations

As we explained in ER-1145, issued today, we are under no compulsion to maintain special limitations on cargo charters. We favor allowing shippers to choose whatever mix of charter and individually-waybilled service meets their needs. We would therefore remove the requirement that on cargo charters the entire aircraft be engaged, by making the charter flight limitations in 14 CFR § 207.11, 208.6, 212.8, and 214.7 applicable only to passenger charters. Thus, split cargo charters could be operated without all the available space being contracted for. This change would encourage the availability of charter flights in secondary markets and reduce charter cancellations.

Although the question was not raised explicitly by EDR-351, Seaboard World Airlines and Airlift International urged that cargo not be allowed on the main deck along with passengers on split

passenger/cargo charters. They did not elaborate on their reasons for this position.

The Board is not aware at this time of any good reason why cargo should not be permitted on the main deck in split passenger/cargo charters. The same considerations favoring split all-cargo charters and split all-passenger charters appear to justify split passenger/cargo charters, without regard to the proportion of passengers to cargo or whether cargo is carried on the main deck or in the belly of the aircraft. Unrestricted passenger/cargo splits will promote fuller use of aircraft capacity, and hence more efficient operations. Consistent with our proposal to eliminate the "full plane" requirement for cargo charters, this proposal provides that the portion of the main deck configured for cargo carriage would not have to be fully engaged.

Since off-route charter restrictions on scheduled carriers are the subject of a separate notice of proposed rulemaking,² we are not proposing to deal with them here.

In EDR-351, we did not propose to amend Part 214, governing charter trips by foreign charter air carriers, to allow split cargo charters. Since the Board has issued permits authorizing cargo charters by foreign charter carriers, we see no reason to restrict the carriers governed by Part 214 to a greater extent than those governed by Parts 207, 208, and 212 with respect to cargo charters, and indeed, granting them comparable freedom should enhance competition and consumer benefits. We are proposing to amend Part 214 to allow split all-cargo charters and split passenger-cargo charters to the same extent as permitted for other carriers in ER-1145, and to allow the same flexibility as proposed for other carriers in this issuance. Some foreign charter carriers would require an amendment to their permits to take advantage of the proposed change to Part 214, since their permits now make no reference to Part 214. Carriers wishing permit changes should apply for them.

Baggage Allowances

Several of the comments on EDR-351 warned that carriers might restrict free baggage allowances for passengers on split passenger/cargo charters in order to accommodate more cargo. The Board's former Office of the Consumer Advocate suggested in its comment that passengers on the split passenger/cargo charters be guaranteed by regulation a certain minimum baggage allowance, and that cargo on such flights be

restricted to the residual capacity of the aircraft. It may be true that there will be some incentive for carriers to cut down free baggage allowances so that more cargo can be carried. However, our tentative decision is that the allocation of baggage space is better left to the market, provided that passengers have adequate notice of their baggage limits. Baggage limits will be negotiated between the charter operators and the carriers, and the charter operators will have an interest in assuring their passengers adequate baggage space.

The Board has recently adopted consumer protection provisions for Public Charters in SPR-156, 44 FR 12971, March 9, 1979. Under SPR-156, certain information must be disclosed in the individual participant's contract with the charterer. These items of information are listed in 14 CFR 380.32. This supplemental proposal would add baggage allowances and excess baggage charges for each passenger to that list. The Public Charter rules (14 CFR 380.31(e)) require some of the items listed in § 380.32 to be printed in bold-face type at least 50 percent larger than the type used for the rest of the contract. This proposal includes the baggage allowances and charges in the larger type requirement. Since effectiveness of larger type decreases as more items are printed that way, however, we ask for comments specifically on this aspect of the proposal.

The Federal Aviation Administration has promulgated safety regulations for the carriage of cargo and passengers on the same aircraft (14 CFR 121.285 and 121.286). The Board specifically requests comments about any safety hazard which might result from carrying cargo on the main deck with passengers instead of in the belly.

Part Charters

The Board is proposing to allow part charters of cargo on scheduled flights, which would allow even greater flexibility in offering reduced rates and service alternatives in international cargo transportation. Because we have eliminated the minimum shipment size for cargo charters in ER-1145, a part charter of cargo would be much like a bulk shipment of cargo under a scheduled service tariff. The difference is that with a charter the parties would have a contract in which they could tailor their rights and duties to fit a specific situation. Since cargo charter tariffs have been removed both domestically (ER-1080) and internationally (ER-1125 through 1130, SPR-159, 160), carriers could offer prices and services for charter traffic different from these specified in their scheduled

¹ ER-1145, adopted August 23, 1979, permits split all-cargo charters, and the carriage of cargo charters in the belly of passenger charter flights.

² EDR-383, 44 FR 41828, July 18, 1979.

tariffs. Part charters of cargo would of course have virtually no effect on the domestic cargo market, which is already deregulated and permits a full range of pricing and service options.

Proposed Rules

Accordingly, the Civil Aeronautics Board proposes to amend 14 CFR Parts 207, 208, 212, 214, 380 as follows:

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

1. The Table of Contents would be amended to read as follows:

* * * * *

207.11 Passenger charter flight limitations

* * * * *

207.18 Part charters of cargo.

2. The definitions of "charter trip" and "charter flight" would be deleted from § 207.11, *Definitions*, and the definition of "special services" would be amended to read as follows:

§ 207.1 Definitions.

As used in this part, unless the context otherwise requires:

* * * * *

"Special services" are all services * * * other than (1) services rendered in air transportation over the route or routes designated in its certificate(s), (2) charter services, and (3) services authorized by special exemption under section 416(b) of the Act.

* * * * *

3. Section 207.10 would be amended by revising the introductory paragraph to read as follows:

§ 207.10 Reports of emergency commercial charters for other direct carriers.

Each air carrier that performs an emergency charter transporting commercial traffic for another direct carrier shall file a report with the Bureau of Domestic Aviation within 30 days following each charter trip, containing the following information:

* * * * *

4. Section 207.11 would be revised to read as follows:

§ 207.11 Passenger charter flight limitations.

(a) Passenger charter flights (trips) in air transportation shall be limited to the following:

- (1) Air transportation pursuant to contracts with the department of Defense where the entire capacity of one or more aircraft has been engaged by the Department;
- (2) Air transportation performed on a time, mileage, or trip basis where the

entire capacity of one or more aircraft has been engaged:

(i) By a person for his own use (including a direct air carrier or a direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage, or in cases of emergency, of commercial traffic; *Provided*, That emergency charters for commercial traffic shall be reported in accordance with § 207.10);

(ii) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons, as agent or representative of such group;

(iii) [Reserved]

(iv) By an overseas military personnel charter operator as defined in Part 372 of this chapter;

(v) By a charter operator or foreign charter operator as defined in Part 380 of this chapter.

(3) Air transportation performed on a time, mileage or trip basis where less than the entire capacity of an aircraft has been engaged by each of two or more of the following persons, except that such persons in the aggregate must engage the entire capacity of the aircraft in accordance with paragraph (b) of this section:

(i) By a person for his own use (including a direct air carrier or a direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage, or in cases of emergency, of commercial traffic; except that emergency charters for commercial traffic shall be reported in accordance with § 207.10);

(ii) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services), for the transportation of a group of persons as agent or representative of such group;

(iii) By an overseas military personnel charter operator as defined in Part 372 of this chapter;

(iv) By a charter operator or foreign charter operator as defined in Part 380 of this chapter.

(b)(1) Each person engaging less than the entire capacity of an aircraft for the movement of persons and their personal baggage pursuant to paragraph (a)(3)(iv) of this section shall contract and pay for 20 or more seats. Each person engaging less than the entire capacity of an aircraft for the movement of persons and their personal baggage pursuant to paragraph (a)(3)(i), (a)(3)(ii), or (a)(3)(iii) of this section shall contract and pay for

40 or more seats, except that if the main deck capacity of an aircraft having 80 or fewer seats is engaged by no more than two persons described in paragraph (a)(3)(i), (a)(3)(ii), or (a)(3)(iii) of this section for the movement of persons and their baggage, then either one of such persons may contract and pay for a minimum of 20 seats.

(2) [Reserved]

(3) The entire capacity of an aircraft shall be considered as engaged if all of the main deck capacity configured for passenger carriage is engaged, regardless of whether the remaining belly or other capacity is also engaged.

5. A new § 207.18 would be added to read as follows:

§ 207.18 Part charters of cargo.

Cargo may be chartered on any flight for which an air carrier is authorized, either by certificate or by exemption, to carry individually-ticketed or individually-waybilled traffic.

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN CHARTER AIR TRANSPORTATION

1. The Table of Contents would be amended to read as follows:

* * * * *

208.6 Passenger charter flight limitations.

§ 208.3 [Amended]

2. The definition of "charter flight" in § 208.3(s) would be deleted and the paragraph reserved.

3. Section 208.5(a) introductory text would be revised to read as follows:

§ 208.5 Reports of emergency commercial charters for other direct carriers.

Each supplemental air carrier that performs an emergency charter transporting commercial traffic for another direct carrier shall file a report with the Bureau of Domestic Aviation within 30 days following each charter flight, containing the following information:

* * * * *

4. Section 208.6 would be revised to read as follows:

§ 208.6 Passenger charter flight limitations.

(a) Passenger charter flights in air transportation performed by supplemental air carriers shall be limited to the following:

- (1) All transportation pursuant to contracts with the Department of Defense where the entire capacity of one or more aircraft has been engaged by the Department;

(2) Air transportation performed on a time, mileage or trip basis where the entire capacity of one or more aircraft has been engaged:

(i) By a person for his own use (including a direct air carrier or a direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage, or in cases of emergency, of commercial traffic: *Provided*, That emergency charters for commercial traffic shall be reported in accordance with § 208.5);

(ii) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons and/or their property, as agent or representative of such group;

(iii) By an overseas military personnel charter operator as defined in Part 372 of this chapter; or

(iv) By a charter operator or foreign charter operator as defined in Part 380 of this chapter.

(3) Air transportation performed on a time, mileage or trip basis where less than the entire capacity of an aircraft has been engaged by each of two or more of the following persons, except that such persons in the aggregate must engage the entire capacity of the aircraft in accordance with paragraph (b) of this section:

(i) By a person for his own use (including a direct air carrier or a direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage, or in cases of emergency, of commercial traffic; except that emergency charters for commercial traffic shall be reported in accordance with § 208.5);

(ii) By a person (no part of whose business is the formation of groups or consolidation of shipments for transportation or the solicitation or sale of transportation services), for the transportation of a group of persons and their personal baggage, as agent or representative of such group;

(iii) By an overseas military personnel charter operator as defined in Part 372 of this chapter; or

(iv) By a charter operator or foreign charter operator as defined in Part 380 of this chapter.

(b)(1) Each person engaging less than the entire capacity of an aircraft for the movement of persons and their personal baggage pursuant to paragraph (a)(3)(iv) of this section shall contract and pay for 20 or more seats. Each person engaging less than the entire capacity of an aircraft for the movement of persons

and their personal baggage pursuant to paragraph (a)(3)(i), (a)(3)(ii), or (a)(3)(iii) of this section shall contract and pay for 40 or more seats, except that if the main deck capacity of an aircraft having 80 or fewer seats is engaged by no more than two persons described in paragraph (a)(3)(i), (a)(3)(ii), or (a)(3)(iii) of this section for the movement of persons and their baggage, then either one of such persons may contract and pay for a minimum of 20 seats.

(2) [Reserved]

(3) The entire capacity of an aircraft shall be considered as engaged if all the main deck capacity configured for passenger carriage is engaged, regardless of whether the remaining belly or other capacity is also engaged.

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

1. The Table of Contents would be amended to read as follows:

* * *
212.8 Passenger charter flight limitations.
* * *
212.16 Part charters of cargo.
* * *

§ 21201 [Amended]

2. The definitions of "charter trip" and "charter flight" would be deleted from § 2121.1, *Definitions*.

3. Section 212.8 would be amended to read as follows:

§ 212.8 Passenger charter flight limitations.

(a) Passenger charter flights (trips) shall be limited to foreign air transportation performed by a foreign air carrier holding a foreign air carrier permit issued pursuant to section 402 of the Act authorizing such carrier to engage in foreign air transportation on an individually-ticketed or individually-waybilled basis—

(1) Where the entire capacity of one or more aircraft has been engaged on a time, mileage or trip basis—

(i) By a person for his own use (including a direct air carrier or direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage, or in cases of emergency, of commercial traffic, except that emergency charters of commercial traffic shall be reported in accordance with § 212.14);

(ii) By a person (no part of whose business is the formation of groups for transportation or solicitation or sale of transportation services) for the transportation of a group of persons as agent or representative of such group;

(iii) [Reserved]

(iv) By an overseas military personnel charter operator as defined in Part 372 of this chapter; or

(v) By a charter operator or foreign charter operator as defined in Part 380 of this chapter.

(2) Where less than the entire capacity of an aircraft has been engaged on a time, mileage or trip basis, by each of two or more of the following persons, except that such persons in the aggregate must engage the entire capacity of the aircraft in accordance with paragraph (b) of this section:

(i) By a person for his own use (including a direct air carrier or a direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage, or in cases of emergency, of commercial traffic);

(ii) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services), for the transportation of a group of persons as agent or representative of such group;

(iii) By an overseas military personnel charter operator as defined in Part 372 of this chapter;

(iv) By a charter operator or foreign charter operator as defined in Part 380 of this chapter.

(b)(1) Each person engaging less than the entire capacity of an aircraft for the movement of persons and their personal baggage pursuant to paragraph (a)(2)(iv) of this section shall contract and pay for 20 or more seats. Each person engaging less than the entire capacity of an aircraft for the movement of persons and their personal baggage pursuant to paragraph (a)(2)(i), (a)(2)(ii), or (a)(2)(iii) of this section shall contract and pay for 40 or more seats, except that if the main deck capacity of an aircraft having 80 or fewer seats is engaged by no more than two persons described in paragraph (a)(2)(i), (a)(2)(ii), or (a)(2)(iii) of this section for the movement of persons and their baggage, then either one of such persons may contract and pay for a minimum of 20 seats.

(2) [Reserved]

(3) The entire capacity of an aircraft shall be considered as engaged if all the main deck capacity configured for passenger carriage is engaged, regardless of whether the remaining belly or other capacity is also engaged.

4. A new § 212.16 would be added to read as follows:

§ 212.16 Part charters of cargo.

Cargo may be chartered on any flight for which a foreign air carrier is authorized to carry individually-ticketed or individually-waybilled traffic.

PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

1. The Table of Contents would be amended to read as follows:

* * * * *

214.7 Passenger charter flight limitations.

* * * * *

2. Section 214.1 would be revised to read as follows:

§ 214.1 Applicability.

This part establishes the terms, conditions, and limitations applicable to charter foreign air transportation pursuant to foreign air carrier permits authorizing the holder to engage in charter transportation only.

3. Section 214.2 would be amended by revising paragraph (a) and reserving paragraph (b) to read as follows:

§ 214.2 Definitions.

(a) "Charter foreign air transportation" means charter flights of persons or property in air transportation

* * *

(b) [Reserved]

* * *

4. Section 214.5 would be amended by revising the introductory paragraph and paragraph (d) to read as follows:

§ 214.5 Reports of emergency commercial charters for other direct carriers.

Each foreign charter air carrier that performs an emergency charter transporting commercial traffic for another direct carrier shall file a report with the Bureau of Domestic Aviation within 30 days following each charter flight, containing the following information:

* * *

(d) Number of passengers and/or tons of cargo transported;

* * *

5. Section 214.7 would be renumbered and revised to read as follows:

§ 214.7 Passenger charter flight limitations.

(a) Passenger charter flights shall be limited to foreign air transportation performed by a direct foreign air carrier on a time, mileage, or trip basis where—

(1) The entire capacity of one or more aircraft has been engaged;

(i) By a person for his own use (including a direct air carrier or direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage, or in cases of emergency, of commercial traffic; except that emergency charters of commercial

traffic shall be reported in accordance with § 214.5);

(ii) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons, as agent or representative of such group;

(iii) By an overseas military personnel charter operator as defined in Part 372 of this chapter; or

(iv) By a charter operator or foreign charter operator as defined in Part 380 of this chapter.

(2) Less than the entire capacity of an aircraft has been engaged by each of two or more of the following persons except that such persons in the aggregate must engage the entire capacity of the aircraft in accordance with paragraph (b) of this section:

(i) By a person for his own use (including a direct air carrier or direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage, or in cases of emergency, of commercial traffic; *Provided*, That emergency charters for commercial traffic shall be reported in accordance with § 214.5);

(ii) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons, as agent or representative of such group;

(iii) By an overseas military personnel charter operator as defined in Part 372 of this chapter; or

(iv) By a charter operator or foreign charter operator as defined in Part 380 of this chapter.

(b)(1) Each person engaging less than the entire capacity of an aircraft for the movement of persons and their personal baggage pursuant to paragraph (a)(2)(iv) of this section shall contract and pay for 20 or more seats. Each person engaging less than the entire capacity of an aircraft for the movement of persons and their personal baggage pursuant to paragraph (a)(2)(i), (a)(2)(ii), or (a)(2)(iii) of this section shall contract and pay for 40 or more seats, except that if the main deck capacity of an aircraft having 80 or fewer seats is engaged by no more than two persons described in paragraph (a)(2)(i), (a)(2)(ii), or (a)(2)(iii) of this section for the movement of persons and their baggage, then either one of such persons may contract and pay for a minimum of 20 seats.

(2) The entire capacity of an aircraft shall be considered as engaged if all the main deck capacity configured for passenger carriage is engaged,

regardless of whether the remaining belly or other capacity is also engaged.

6. Section 214.9a (a) and (b) would be amended to read as follows:

§ 214.9a Statement of Authorization; application.

(a) A foreign air carrier shall not perform any charter for the transportation of commercial traffic for another direct air carrier or direct foreign air carrier unless * * *

(b) Application for a Statement of Authorization shall be submitted * * * *Provided, however*, that an application for the performance of a charter transporting commercial traffic for another direct air carrier or direct foreign air carrier must be submitted * * *

* * *

PART 380—PUBLIC CHARTERS

1. Section 380.1(e) would be revised to read as follows:

§ 380.31 General requirements for operator-participant contracts

* * *

(e) The contract form shall be printed in 7-point or larger type. The statements required by paragraphs (a), (f), (h), (l), (r), (s), and (y) of § 380.32 shall be printed so as to contrast with the rest of the contract, by the use of bold-faced type, capital letters, or a type size that is at least 50 percent larger than that used for the rest of the contract.

* * *

2. Section 380.32 would be amended by adding paragraph (y) to read as follows:

§ 380.32 Specific requirements for operator-participant contracts.

Contracts between charter operators and charter participants shall state:

* * *

(y) The baggage allowances and excess baggage charges for each passenger.

(Secs. 102, 204, 401, and 402 of the Federal Aviation Act of 1958, as amended, 92 Stat. 1706, 72 Stat. 743, 92 Stat. 1710, 72 Stat. 757; 49 U.S.C. 1302, 1324, 1371, 1372.)

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-26962 Filed 8-28-79; 8:45 am]

BILLING CODE 6320-01-M

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 771 0034]

Gant, Inc.; Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, among other things, would require a New Haven, Conn. manufacturer of wearing apparel and related accessories, to cease fixing, maintaining or compelling adherence to suggested resale prices and sales periods for its products. The firm would be prohibited from soliciting the identity of dealers who fail to conform to such prices, and from taking any adverse action against them. Additionally, the firm would be prohibited from restricting the use of product trademarks or other identification in the sale or advertising of its products; and barred from suggesting retail prices and sales periods for its products for a period of two years.

DATE: Comments must be received on or before October 29, 1979.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: William A. Arbitman, Director, 9R, San Francisco, Regional Office, Federal Trade Commission, 450 Golden Gate Ave., San Francisco, Calif. 94102. (415) 556-1270.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6 (f) of the Federal Trade Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with

§ 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

[File No.]

Gant, Inc.,

Agreement Containing Consent Order to Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of Gant, Inc., a corporation, and it now appearing that Gant, Inc., a corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between Gant, Inc., by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Gant, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Connecticut, with its office and principal place of business located at 40 Sargent Drive, in the City of New Haven, State of Connecticut.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contained a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the public records of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of the complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

For the purposes of this Order, the following definitions shall apply:

"Product" is defined as any item of wearing apparel or related accessory which is manufactured, offered for sale or sold by respondent.

"Dealer" is defined as any person, partnership, corporation or firm which sells any product in the course of its business.

"Resale Price" is defined as any price, price floor, price ceiling, price range, or any mark-up, formula or margin of profit used by any dealer for pricing any product. Such term includes, but is not limited to, any suggested, established or customary resale price as well as the retail price in effect at any dealer.

"Sale Period" is defined as any time during which any dealer offers to sell any product at resale prices lower than

those in effect during the usual and ordinary course of said dealer's business; or any suggested, authorized or customary time for selling or advertising any product at prices lower than the suggested, established or customary resale prices.

It is ordered. That respondent Gant, Inc., a corporation, its successors and assigns, and respondent's officers, agents, representatives and employees, directly or indirectly, or through any corporation, subsidiary, division or other device, in connection with the manufacture, advertising, offering for sale, sale or distribution of any product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

I

1. Fixing, establishing, controlling or maintaining, directly or indirectly, the resale price at which any dealer may advertise, promote, offer for sale or sell any product, or the sale period of any dealer.

2. Requesting, requiring or coercing, directly or indirectly, any dealer to maintain, adopt or adhere to any resale price or sale period.

3. Requesting or requiring, directly or indirectly, any dealer to report the identity of any other dealer who deviates from any resale price or sale period; or acting on any reports or information so obtained by threatening, intimidating, coercing or terminating said dealer.

4. Requesting or requiring that any dealer refrain from or discontinue selling or advertising any product at any resale price.

5. Hindering or precluding the lawful use by any dealer of any brand name, trade name or trademark of respondent in connection with the sale or advertising of any product at any resale price.

6. Making any payment or granting any consideration, service or benefit to any dealer because of the resale price at which any other dealer has advertised or sold any product.

7. Conducting any surveillance program to determine whether any dealer is advertising, offering for sale or selling any product at any resale price, where such surveillance program is conducted to fix, maintain, control or enforce the resale price at which any product is sold or advertised.

8. Terminating or taking any other action to restrict, prevent or limit the sale of any product by any dealer because of the resale price at which said dealer has sold or advertised, is selling

or advertising, or is suspected of selling or advertising any product.

9. Threatening to withhold or withholding earned cooperative advertising credits or allowances from any dealer, or limiting or restricting the right of any dealer to participate in any cooperative advertising program for which it would otherwise qualify, because of the resale price at which said dealer advertises or sells any product, or proposes to sell or advertise any product.

II

1. For a period of two (2) from the date of service of this Order, orally suggesting or recommending any resale price or sale period to any dealer.

2. For a period of two (2) years from the date of service of this Order, communicating in writing any resale price or sale period to any dealer; provided, however, that after said two (2) period, respondent shall not suggest any resale price or sale period on any list, or in any advertising, book, catalogue or promotional material, unless it is clearly and conspicuously stated on each page where any suggested resale price or sale period appears, the following:

The [resale prices or sale periods] quoted herein are suggested only. You are free to determine your own [resale prices or sale periods].

III

It is further ordered. That respondent shall:

1. Within thirty (30) days after service of this Order, mail under separate cover a copy of the enclosure set forth in the attached Exhibit A to each of its present accounts. An affidavit shall be sworn to by an official of the respondent verifying that the attached Exhibit A was so mailed.

2. Mail under separate cover a copy of the enclosure set forth in the attached Exhibit A to any person, partnership, corporation or firm that becomes a new account within three (3) years after service of this Order.

IV

It is further ordered. That respondent shall forthwith distribute a copy of this order to all operating divisions of said corporation, and to present or future personnel, agents or representatives having sales, advertising or policy responsibilities with respect to the subject matter of this order, and that respondent secure from each such person a signed statement acknowledging receipt of said order.

V

It is further ordered. That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergency of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

VI

It is further ordered. That respondent shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Exhibit A

Dear Retailer: Without admitting any violation of the law, Gant, Inc. has agreed to the entry of an Order of the Federal Trade Commission regulating certain distribution practices. In connection therewith, the Company is required to send you this letter describing the Order. The Order provides, among other things, as follows:

1. You can advertise and sell Gant products at any price you choose.

2. Gant will not take any action against you, including termination, because of the price at which you advertise or sell Gant products.

3. Gant will not suggest retail prices for any product until [2 years from the date of service of the Order].

4. The price at which you sell or advertise Gant products will not affect your right to use Gant trademarks or other identification in your sale or advertising of products bearing Gant trademarks or identification.

5. You are free to participate in any cooperative advertising program sponsored by Gant for which you would otherwise qualify, and to receive any advertising credit or allowance allowed thereunder regardless of the price at which you advertise the Gant product.

If you have any questions regarding the Order or this letter, please call _____.

for Gant, Inc.

Agreement by Gant Corporation, the Proposed Successor to Proposed Respondent Gant, Inc.

IT IS HEREBY AGREED by and between Gant Corporation, by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission that:

1. Gant Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 400 Pike Street, in the City of Cincinnati, State of Ohio.

2. Gant Corporation proposes to purchase the business and certain of the assets of proposed respondent Gant, Inc.

3. For purposes of the "Agreement Containing Consent Order To Cease And Desist" as executed between Gant, Inc. and Counsel for the Federal Trade Commission on April 24, 1979, hereinafter referred to as "said Order," and for no other purpose, Gant Corporation, upon completion of said purchase:

(a) Will be a successor to proposed respondent Gant, Inc.

(b) Shall refrain from performing any act which proposed respondent Gant, Inc., is prohibited from performing by said Order; and shall perform all acts which proposed respondent Gant, Inc. is required to perform by said Order.

(c) Will be required to file one or more compliance reports showing that it has fully complied with said Order, and may be liable for civil penalties in the amount provided by law for each violation by it of said Order.

4. A copy of said Order served upon Gant, Inc. shall be mailed by the Federal Trade Commission to Gant Corporation at its above stated address simultaneously with such service on Gant, Inc.

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Gant, Inc., a prominent shirt manufacturer.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint in this matter alleges that Gant, Inc. has restrained trade by fixing the resale prices at which its dealers advertise, offer for sale and sell Gant, Inc. products.

The consent agreement provides as follows:

1. Gant, Inc. cannot fix or otherwise control the resale prices at which its products are sold or advertised.

2. Gant, Inc. cannot take any action against any dealer, including termination, because of the resale prices at which the dealer sells or advertises any Gant, Inc. product.

3. As to products which bear any of its trademarks or other identifications, Gant, Inc. cannot restrict any dealer from lawfully using any such trademark

or other identification in the sale or advertising of such products.

4. Gant, Inc. cannot suggest retail prices for any product for two years from service of the order.

On June 29, 1979, Gant Corporation, a newly formed Delaware corporation, purchased the business and certain of the assets of Gant, Inc. As part of the consent agreement, and solely for purposes of that agreement, Gant Corporation has agreed to:

1. Be bound as a successor to Gant, Inc.

2. Refrain from performing any act which Gant, Inc. is prohibited by the order from performing.

3. Perform all acts which Gant, Inc. is required by the order to perform.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

James A. Tobin,

Acting Secretary.

[FR Doc. 79-28956 Filed 8-28-79; 8:45 am]

BILLING CODE 6750-01-M

[16 CFR Part 13]

[File No. 771 0034]

Jaymar-Ruby, Inc.; Consent Agreement with Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, among other things, would require a Michigan City, Ind. manufacturer of wearing apparel and related accessories, to cease fixing, maintaining or compelling adherence to suggested resale prices and sale periods for its products. The company would be prohibited from soliciting the identity of dealers who fail to conform to suggested prices; and from taking any adverse action against them. Additionally, the firm would be prohibited from restricting the use of product trademarks or other identification in the advertising and sale of its products; and barred from suggesting retail prices and sales periods for its products for a period of two years.

DATE: Comments must be received on or before October 29, 1979.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal

Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

William A. Arbitman, Director, 9R, San Francisco Regional Office, Federal Trade Commission, 450 Golden Gate Ave., San Francisco, Calif. 94102. (415) 556-1270.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

[File No.]

Jaymar-Ruby, Inc.

Agreement Containing Consent Order To Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of Jaymar-Ruby, Inc., a corporation, and it now appearing that Jaymar-Ruby, Inc., a corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between Jaymar-Ruby, Inc., by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Jaymar-Ruby, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Indiana, with its office and principal place of business located at 5000 South Ohio Street, in the City of Michigan City, State of Indiana.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the

validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of the complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has

fully complied with the order, and that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

For the purposes of this Order, the following definitions shall apply:

"Product" is defined as any item of wearing apparel or related accessory which is manufactured, offered for sale or sold by respondent Jaymar-Ruby, Inc.

"Dealer" is defined as any person, partnership, corporation or firm which sells any product in the course of its business.

"Resale Price" is defined as any price, price floor, price ceiling, price range, or any mark-up, formula or margin of profit used by any dealer for pricing any product. Such term includes, but is not limited to, any retail price suggested or established by respondent, any customary resale price or the retail price in effect at any dealer.

"Sale Period" is defined as any time during which any dealer offers to sell any product at resale prices lower than those in effect during the usual and ordinary course of said dealer's business; or any suggested, authorized or customary time for selling or advertising any product at prices lower than the suggested, established or customary resale prices.

It is ordered, That respondent Jaymar-Ruby, Inc., a corporation, its successors and assigns, and respondent's officers, agents, representatives and employees, directly or indirectly, or through any corporation, subsidiary, division or other device, in connection with the manufacture, advertising, offering for sale, sale or distribution of any product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1

1. Fixing, establishing, controlling or maintaining, directly or indirectly, the resale price at which any dealer may advertise, promote, offer for sale or sell any product, or the sale period of any dealer.

2. Requesting, requiring or coercing, directly or indirectly, any dealer to maintain, adopt or adhere to any resale price or sale period.

3. Requesting or requiring, directly or indirectly, any dealer to report the identity of any other dealer who deviates from any resale price or sale period; or acting on any reports or information so obtained by threatening, intimidating, coercing or terminating said dealer.

4. Requesting or requiring that any dealer refrain from or discontinue selling or advertising any product at any resale price.

5. Hindering or precluding the lawful use by any dealer of any brand name, trade name or trademark of respondent in connection with the sale or advertising of any product at any resale price.

6. Conducting any surveillance program to determine whether any dealer is advertising, offering for sale or selling any product at any resale price, where such surveillance program is conducted to fix, maintain, control or enforce the resale price at which any product is sold or advertised.

7. Terminating or taking any other action to restrict, prevent or limit the sale of any product by any dealer because of the resale price at which said dealer has sold or advertised, is selling or advertising, or is suspected of selling or advertising any product.

8. Threatening to withhold or withholding earned cooperative advertising credits or allowances from any dealer, or limiting or restricting the right of any dealer to participate in any cooperative advertising program for which it would otherwise qualify, because of the resale price at which said dealer advertises or sells any product, or proposes to sell or advertise any product.

9. Threatening to withhold or withholding earned cooperative advertising credits or allowances from any dealer, or limiting or restricting the right of any dealer to participate in any cooperative advertising program for which it would otherwise qualify, because said dealer has advertised or sold, or proposes to advertise or sell, any product using or featuring any resale price comparison.

II

1. For a period of three (3) years from the date of service of this Order, orally suggesting or recommending any resale price or sale period to any dealer.

2. For a period of three (3) years from the date of service of this Order, communicating in writing any resale price or sale period to any dealer: *Provided, however, That after said three (3) year period, respondent shall not suggest any resale price or sale period on any list, or in any advertising, book, catalogue or promotional material, unless it is clearly and conspicuously stated on each page where any suggested resale price or sale period appears, the following:*

"The [Resale Prices or Sale Periods] Quoted Herein Are Suggested Only. You Are

Free To Determine Your Own [Resale Prices or Sale Periods]."

III

It is further ordered. That respondent shall:

1. Within thirty (30) days after service of this Order, mail under separate cover a copy of the enclosure set forth in the attached Exhibit A to each of its present accounts. An affidavit shall be sworn to by an official of respondent verifying that the attached Exhibit A was so mailed.

2. Mail under separate cover a copy of the enclosure set forth in the attached Exhibit A to any person, partnership, corporation or firm that becomes a new account within three (3) years after service of this Order.

IV

It is further ordered. That respondent shall forthwith distribute a copy of this Order to all operating divisions of said corporation, and to present or future personnel, agents or representatives having sales, advertising or policy responsibilities with respect to the subject matter of this Order, and that respondent secure from each such person a signed statement acknowledging receipt of said Order.

V

It is further ordered. That respondent notify the Commission at least thirty (30) days prior to any proposed change in respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the Order.

VI

It is further ordered. That respondent shall within sixty (60) days after service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

Exhibit A

Dear Customer:

Jaymar-Ruby, Inc. has agreed with the Federal Trade Commission to the entry of an order concerning certain distribution practices. Our agreement was solely for the purpose of settling a dispute with the Commission, and does not constitute any admission on our part that we have violated any law. The agreed-to order provides, among other things, as follows:

1. You are free to charge whatever retail prices you deem appropriate for Jaymar-Ruby products, including Sansabelt, and you may advertise those prices as you see fit.

2. You can be assured that Jaymar-Ruby will not take any action against you for any prices which you may charge or advertise.

3. Jaymar-Ruby will continue not to suggest retail prices for any product until [3 years from the date of service of the Order].

4. You may continue to use our trademarks or tradenames in any legal and lawful manner in your sale or advertising of our products.

5. You continue to be free to participate in our cooperative advertising programs regardless of the prices at which you advertise Jaymar-Ruby products.

If you wish a copy of the full text of the agreed-to order, or if you have any questions concerning it, please call _____. As always, we appreciate your business and we will continue providing you with the finest merchandise available.

for Jaymar-Ruby, Inc.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Jaymar-Ruby, Inc., a prominent manufacturer of men's dress and sport slacks.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint in this matter alleges that Jaymar-Ruby restrained trade by fixing the resale prices at which its dealers advertise, offer for sale and sell Jaymar products.

The consent agreement provides as follows:

1. Jaymar-Ruby cannot fix or otherwise control the resale prices at which its products are sold or advertised.

2. Jaymar-Ruby cannot take any action against any dealer, including termination, because of the resale prices at which the dealer sells or advertises any Jaymar-Ruby product.

3. As to products which bear any of its trademarks or other identifications, Jaymar-Ruby cannot restrict any dealer from lawfully using any such trademark or other identification in the sale or advertising of such products.

4. Jaymar-Ruby cannot suggest retail prices for any product for three years from service of the order.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of

the agreement and proposed order or to modify in any way their terms.

James A. Tobin,

Acting Secretary.

[FR Doc. 79-26955 Filed 8-28-79; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

[32 CFR Part 65]

Nomination of Chaplains for the Armed Forces

AGENCY: Office of the Secretary of Defense.

ACTION: Proposed rule.

SUMMARY: This rule provides for selection of chaplains in the Armed Forces of the United States and sets forth a definition using a set of criteria to determine a religious faith groups' eligibility to provide chaplains to the Armed Forces. Education requirements are clearly stated. It is the responsibility of the Armed Forces Chaplains Board to recognize a religious faith group and the Military Services to select the nominated chaplains.

DATE: Written comments must be received on or before September 28, 1979.

ADDRESS: Armed Forces Chaplains Board, OASD (MRA&L), Room 3B936, Pentagon, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: Chaplain Samuel G. Powell, Colonel, USAF, Telephone: 697-9015 or 697-9911.

SUPPLEMENTARY INFORMATION: In Federal Register Doc. 78-2339 appearing in the Federal Register on February 6, 1978 (43 FR 4856) the Department of Defense published Part 65. This proposes the reissue Part 65 to establish criteria to determine a religious group's eligibility for the chaplaincy of the Military Services and to define clearly education requirements.

Accordingly, we propose to revise Chapter I, 32 CFR Part 65, reading as follows:

Sec.

65.1 Reissuance and purpose.

65.2 Applicability.

65.3 Policy.

65.4 Criteria.

65.5 Responsibilities.

Enclosure 1—DD Form 2088, Ecclesiastical Endorsement/Approval.

Authority: Secs. 3293, 5576, and 8293 of 10 U.S. Code and Executive Order 11390.

PART 65—NOMINATIONS OF CHAPLAINS FOR THE ARMED FORCES

§ 65.1 Reissuance and Purpose.

This part is reissued to establish (a) criteria to determine a Religious Group's eligibility for the chaplaincy of the Military Services; and (b) the minimum educational and ecclesiastical endorsement requirements for appointment in the chaplaincy of the Military Services.

§ 65.2 Applicability.

The provisions of this Part apply to the Office of the Secretary of Defense, the Military Departments, and the Organization of the Joint Chiefs of Staff (hereafter referred to as "DoD Components"). As used herein, the term "Military Services" refers to the Army, Navy, Air Force and Marine Corps.

§ 65.3 Policy.

It is DoD policy that military personnel receive direction and guidance in matters of spiritual, moral, religious, and personal well-being in ways and on occasions appropriate to their respective, chosen religious groups. Whenever possible, such guidance should be provided by a chaplain of the military person's religious group. When a chaplain of a religious group cannot be provided, this guidance should be met through the cooperative efforts of other chaplains, civilian clergy, or lay leaders.

§ 65.4 Criteria.

(a) Religious groups of the United States that seek to become ecclesiastical agencies in order to endorse candidates for the chaplaincy must obtain recognition from the Armed Forces Chaplains Board. As a prerequisite to receiving such recognition, each religious group must:

- (1) Have ecclesiastical authority to prepare and designate clergy for the chaplaincy.
- (2) Have enough adherents to warrant the effective use of chaplains.
- (3) Provide ecclesiastical validation, support, and supervision of its chaplains.
- (4) Provide chaplains who are willing to respect the integrity of and work in cooperation with other religious groups.
- (5) Abide by the regulations and policies of the Armed Forces Chaplains Board and the Military Services.

(b) The Armed Forces Chaplains Board may revoke its recognition of an approved ecclesiastical endorsing agency that fails to comply with any provisions of this Directive by providing the agency with a notice of the reasons for the revocation and a reasonable opportunity to respond in writing.

(c) The following are the educational requirements for chaplain appointments. The applicant shall:

(1) Possess 120 semester hours of undergraduate credits (or the equivalent) from a college or university that is in the *Education Directory—Colleges and Universities* (hereafter referred to as the "Directory"); or have completed 120 semester hours of credit (or the equivalent) from a school not in the Directory but from which credits could be transferred to a school listed in the Directory; and

(2) Possess a Master of Divinity (or an equivalent theological degree) or have completed 3 resident years of graduate-level study in theology or related subjects that lead to ordination and ecclesiastical endorsement and that qualify the applicant to perform professional functions as a chaplain. The applicant must complete professional educational work at a graduate school:

(i) That is (a) a member of the American Association of Theological Schools; (b) listed in the Official Catholic Directory; or (c) independent of a college or university but accredited by a regional accrediting agency or association listed in the Directory; or

(ii) If the graduate school is not included in § 65.4(c)(1) the applicant may be accepted if all other educational requirements are met and if a statement is submitted by a school referred to in § 65.4(c)(1) that the applicant's credits are transferrable to the school issuing the statement.

(d) *Ecclesiastical Endorsement of Chaplains.* As a prerequisite to appointment as a chaplain, an applicant must receive endorsement from an ecclesiastical endorsing agency recognized by the Armed Forces Chaplains Board. In granting ecclesiastical endorsement ecclesiastical endorsing agents are requested to use DD Form 2088.¹ Additional copies of this form may be obtained from the Executive Director, Armed Forces Chaplains Board. This endorsement shall certify that the applicant is:

- (1) A fully ordained or qualified priest, rabbi, or minister of religion;
- (2) Actively engaged in a denominationally approved vocation; and
- (3) Recommended as being spiritually, morally, intellectually, and emotionally qualified to represent the applicant's religious body in the chaplaincy of the Armed Forces.

¹ May be obtained by writing to the Executive Director, Armed Forces Chaplain Board, OASD (MRA&L), The Pentagon, Washington, D.C. 20301.

§ 65.5 Responsibilities.

The Chief of Chaplains of each Military Service shall implement this part.

Dated: August 24, 1979.

H. E. Lofdahl,

Deputy Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

BILLING CODE 3810-70-M

Enclosure 1

ECCLESIASTICAL ENDORSEMENT/APPROVAL	
TO: CHIEF OF CHAPLAINS	DATE
NAME OF APPLICANT	
ADDRESS (Include ZIP Code)	TELEPHONE NUMBER
SECTION A - CHAPLAINS	
HAS BEEN GRANTED ECCLESIASTICAL ENDORSEMENT FOR:	
☐ APPOINTMENT AS A CHAPLAIN RESERVE OFFICER OF THE USAF / USAFR / USNR ☐ EXTENDED ACTIVE DUTY, INDEFINITE TERM ☐ EXTENDED ACTIVE DUTY, DEFINITE TERM (3 YEARS) ☐ AUXILIARY CHAPLAIN ☐ APPOINTMENT TO THE REGULAR USA / USAF / USN	
THIS ENDORSEMENT CERTIFIES THAT _____	
a. IS A FULLY ORDAINED MEMBER OF THE CLERGY OF THE _____ (Name) _____ (Denomination)	
AND WAS ORDAINED AT _____ (City, State) ON _____ (Day, Month) 19 ____.	
b. IS PROFESSIONALLY QUALIFIED AND AUTHORIZED TO BE APPOINTED AS A CHAPLAIN, AND RECOMMENDED AS BEING QUALIFIED SPIRITUALLY, MORALLY, INTELLECTUALLY, AND EMOTIONALLY TO REPRESENT OUR DENOMINATION.	
c. IS ACTIVELY ENGAGED IN A DENOMINATIONALLY APPROVED RELIGIOUS VOCATION.	
d. HAS COMPLETED _____ YEARS OF ACTIVE PROFESSIONAL EXPERIENCE AFTER COMPLETION OF THE EDUCATIONAL REQUIREMENTS FOR THE CHAPLAINCY AND ORINATION.	
SECTION B - STUDENTS	
IS ATTENDING _____ (School) AND WILL, UPON COMPLETION OF THEOLOGICAL STUDIES AND FULFILLMENT OF DENOMINATIONAL REQUIREMENTS, BECOME ELIGIBLE FOR ORDINATION.	
HAS BEEN GRANTED ECCLESIASTICAL APPROVAL FOR:	
☐ CHAPLAIN CANDIDATE PROGRAM, USAFR ☐ THEOLOGICAL STUDENT PROGRAM, USNR ☐ STAFF SPECIALIST (SEMINARIAN PROGRAM), USAF	
SECTION C - LAY LEADERS	
HAS BEEN GRANTED ECCLESIASTICAL APPROVAL FOR:	
☐ MILITARY LAY LEADER ☐ CIVILIAN LAY LEADER	
THIS APPROVAL CERTIFIES THAT _____ (Name) IS A LICENSED/RECOGNIZED LAY LEADER.	
COMMENTS	
NAME AND ADDRESS OF ENDORSING AGENCY	
SIGNATURE	TELEPHONE NUMBER

ENVIRONMENTAL PROTECTION AGENCY**[40 CFR Part 52]****[FRL 1306-7]****State and Federal Administrative Orders Revising the State Implementation Plan****AGENCY:** U.S. Environmental Protection Agency.**ACTION:** Proposed Rulemaking: Proposed Approval of Revision to State Implementation Plan.

SUMMARY: U.S. Environmental Protection Agency proposes to approve an Illinois Pollution Control Board Order submitted by the Illinois Environmental Protection Agency (IEPA) as a revision to the State Implementation Plan (SIP). The Order was issued to Shell Oil Company on December 14, 1978 and extends the date that the company is required to bring sulfur dioxide emissions at its petroleum refinery located in Wood River, Madison County, Illinois into compliance with certain regulations contained in the federally-approved Illinois SIP. The Order extends the date to November 11, 1979. Because the Order has been issued to a major source and extends the date for meeting the sulfur dioxide emissions limitations contained in the SIP, it must be approved by USEPA before it becomes effective as a SIP revision under the Clean Air Act, 42 U.S.C. 7410. If approved by USEPA the extension will constitute a revision to the SIP. The purpose of this notice is to invite public comment on USEPA's proposed approval of the Order.

DATE: Written comments on this proposed revision to the Illinois SIP must be received on or before September 28, 1979.

ADDRESS: send comments to: Steve Rothblatt, Chief, Air Programs Branch, Air and Hazardous Materials Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

The State Order, supporting material and public comments received in response to this Notice may be inspected and copied (for appropriate charges) at the above address during normal business hours or at: Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.

FOR FURTHER INFORMATION CONTACT: David Lueck, Air and Hazardous Materials Division, Air Programs Branch, U.S. Environmental Protection

Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6056.

SUPPLEMENTARY INFORMATION: In April, 1976 Shell Oil Company (Shell) purchased the Anlin Company plant which included one operating sulfur recovery unit, a sulfuric acid plant, and a new sulfur recovery plant under construction at that time. The new plant utilized a Claus Sulfur Recovery Unit (SRU-2), a unique process which was supposed to control tail-gas so as not to exceed the sulfur dioxide emissions limitations contained in Rule 204(f)(1)(A) of the Illinois Air Pollution Control Regulations, Chapter 2. Shell found the system to be mechanically unsound and made substantial modifications in an attempt to meet the sulfur dioxide (SO₂) emission limitation of two thousand parts per million on a dry basis. When tests revealed that in spite of the modifications the plant could not meet the emission limitation, Shell decided to install a Shell Claus Off-Gas Treatment Unit (SCOT Unit). Because installation of this unit takes approximately eighteen months, Shell petitioned the Illinois Pollution Control Board (IPCB) for a variance from Rule 204(f)(1)(A) until November 11, 1979, which would allow time for the construction of the SCOT unit.

A public hearing was held on October 30, 1978 in conformity with a notice and hearing requirements set forth in 40 CFR 51.4. The only individuals testifying at the hearing were those who testified on behalf of the petitioners.

After considering all the testimony and the support material, the IPCB granted the variance on December 14, 1978, by issuing IPCB Order PCB 78-190, which found that operation of the SRU-2 for the duration of the requested variance would not prevent attainment or maintenance of the ambient air quality standards for sulfur dioxide. The Order granting the variance contained the following conditions:

1. This variance shall terminate on July 1, 1979 if it is not submitted to and approved by the U.S. Environmental Protection Agency as a revision to the Illinois State Implementation Plan.
2. Shell Oil Co. shall within 45 days of the date of this Order furnish to the Illinois Environmental Protection Agency a performance surety bond in the amount of \$50,000, to be released upon timely completion of the project on November 1, 1979.
3. Shell Oil Co. shall, by November 1, 1979, apply for an operating permit for SRU-2 and submit to the Agency stack test results which show compliance with the standard.
4. Shell Oil Co. shall at least five days prior to the stack tests notify the Manager, Illinois Environmental Protection Agency Region III, 115A West Main Street,

Collinsville, Illinois (phone number 618-345-0700) of the dates and times of the stack tests and permit Agency personnel to be present during the stack tests.

5. Shell Oil Co. shall submit progress reports on October 1, 1978; January 1, 1979; April 1, 1979; July 1, 1979; and October 1, 1979 to the Agency's Region III at Collinsville at the address mentioned in paragraph 4 above.
6. Shell Oil Co. is hereby notified that, if compliance is not achieved by July 1, 1979, it may be subject to noncompliance penalties pursuant to Section 120 of the Clean Air Act of 1977.
7. Within forty-five [days] of after (sic) the date of this Board Order Shell Oil Co. shall execute and send to: Mr. John D. Williams, Technical Advisor, 2200 Churchill Road, Springfield, Illinois 62706, a certification of acceptance of this variance by which it agrees to be bound by its terms and conditions.

On March 21, 1979, the Illinois Environmental Protection Agency submitted the Order to USEPA as a proposed revision to the Illinois SIP. Pursuant to section 110 of the Clean Air Act, the Administrator of the United States Environmental Protection Agency must approve the order of the Illinois Pollution Control Board before it may become effective. 42 U.S.C. 7410.

Whenever a State proposes to relax its State Implementation Plan by either increasing allowable emissions or by extending the date by which a source must be in final compliance, the proposed SIP revision must be supported by an air quality demonstration which shows that the relaxation will not interfere with attainment and maintenance of the National Ambient Air Quality Standards (NAAQS).

The more potential the SIP revision has for negatively impacting ambient air quality, the more rigorous the air quality demonstration must be. In determining the acceptability of the air quality demonstration, USEPA considers the following factors: the attainment status of an area in question; the increase in actual emissions, if any, which would result from the revision; the adequacy of ambient air monitoring data; and the use of supplemental control systems or other illegal dispersion enhancement techniques within the impact area of the source in question. Where the revision calls for an extension of a source's final compliance date, the duration of the proposed extension is also a factor.

The air quality demonstration submitted by the Illinois EPA in support of the Order consists of a report detailing monitored ambient air quality data from the Metropolitan St. Louis Air Quality Control Region (AQCR). The monitored data shows that NAAQS have not been exceeded in the Illinois

portion of the AQCR since 1976. USEPA considers this demonstration adequate in light of the limited duration of the Order and the absence of any proposed increase in actual emissions. Today's actions therefore proposes approval of the Order as a revision to the Illinois SIP.

All interested persons are invited to submit written comments on the proposed SIP revision and its proposed approval by USEPA. Written comments received by the date specified will be considered in determining whether EPA will approve the revision. After the public comment period, the Administrator of EPA will publish in the Federal Register the Agency's final action on the Order. (42 U.S.C. 7413, 7601).

Dated: August 20, 1979.

John McGuire,

Regional Administrator.

[FR Doc. 79-26988 Filed 8-28-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 52]

[FRL 1306-6]

Receipt of Implementation Plan Revision For the State of Rhode Island

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Receipt and Advance Notice of Proposed Rulemaking.

SUMMARY: This notice is to announce the receipt of the Inspection and Maintenance Program portion of the State Implementation Plan revision for the State of Rhode Island which is available for public review and comment.

The Inspection and Maintenance Program is an additional element to the measures for the control of air pollution contained in prior submittals of revisions to the Rhode Island SIP which were described in notices published in the Federal Register on May 29, 1979 (44 FR 30702) and on June 29, 1979 (44 FR 37960).

A Notice of Proposed Rulemaking describing the prior submittals in addition to the Inspection and Maintenance Program, and EPA's intended approval or disapproval action will be published in the Federal Register at a later date.

DATES: See Supplementary Information.

ADDRESSES: Copies of the Inspection and Maintenance Program portion of the SIP revision are available for inspection at the following addresses: Environmental Protection Agency, Region I, Air Branch, Room 1903, J.F.K.

Federal Building, Boston, Massachusetts 02203; Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, DC 20460; and the Rhode Island Department of Environmental Management, Division of Air Resources, Cannon Building, 75 Davis Street, Providence, Rhode Island 02908.

Written comments should be sent to: Frank J. Ciavattieri, Chief, Air Branch, Environmental Protection Agency, Region I, J.F.K. Federal Building, Room 1903, Boston Massachusetts 02203.

FOR FURTHER INFORMATION CONTACT: Frank J. Ciavattieri, Chief, Air Branch, Environmental Protection Agency, Region I, J.F.K. Federal Building, Room 1903, Boston, Massachusetts 02203, Telephone: (617)223-5609.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962) and on September 11, 1978, pursuant to the requirements of Section 107 of the Clean Air Act, EPA designated areas in each state as non-attainment with respect to the criteria air pollutants.

Part D of the Clean Air Act requires each state to revise its SIP to meet specific requirements in the non-attainment areas. The State of Rhode Island submitted to EPA on May 14, 1979 and June 11, 1979 revisions to its SIP for areas designated as not attaining the NAAQS for certain pollutants, and described in notices published in the Federal Register on May 29, 1979 (44 FR 30702) and on June 29, 1979 (44 FR 37960). On August 13, 1979 received the Inspection and Maintenance Program portions of the revision, as an additional element to the transportation control strategies for the control of air pollution contained in the prior submissions. EPA is currently reviewing the Inspection and Maintenance Program plan. At the completion of the review a Notice of Proposed Rulemaking describing the prior submittals in addition to the Inspection and Maintenance Program, will be published in the Federal Register proposing approval or disapproval of the revision.

All interested persons are advised that the proposed revision is available for review at the locations listed, and are invited to comment on its approvability. A file of documents explaining EPA's criteria for approval is also available at EPA offices. The proposed notice referred to above will announce the last day for public comment. This public comment period will end not less than 60 days from this date and not less than 30 days from the published date of EPA's proposal for approval or disapproval.

Dated August 20, 1979.

Rebecca W. Hanmer, Acting
Regional Administrator, Region I.

[FR Doc. 79-26989 Filed 8-28-79; 8:45 am]

BILLING CODE 6560-01-M

Notices

Federal Register

Vol. 44, No. 169

Wednesday, August 29, 1979

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Official Agency Termination

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice and Request for Comments.

SUMMARY: This notice announces that the West Virginia Department of Agriculture's previous designation as an official inspection agency expired November 19, 1978. The Federal Grain Inspection Service requests comments from interested persons on the need for designation of a replacement agency to provide official services in West Virginia.

DATE: Comments by October 29, 1979.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, United States Department of Agriculture, Federal Grain Inspection Service, Compliance Division, 1400 Independence Avenue, SW., Room 2405, Auditors Building, Washington, D.C. 20250, (202) 447-8262.

SUPPLEMENTARY INFORMATION: Pub. L. 94-582, enacted on October 21, 1976, to amend the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (hereinafter the "Act"), provides in Section 27 that any interior inspection agency providing service on November 20, 1976, the date on which the Act became effective, could continue to do so without a designation under the Act until the expiration of a period as determined by the Administrator, but not to exceed two years after the Act's effective date (7 U.S.C. 74 note).

The West Virginia Department of Agriculture (State) chose not to pursue meeting requirements for designation as an official agency under the Act, and accordingly the State's designation to provide official grain inspection services within the State, expired November 19, 1978.

The Administrator, Federal Grain Inspection Service (FGIS) is authorized under the provisions of the Act, to provide official inspection services where the Administrator determines official inspection is needed. (7 U.S.C. 79(h)). In recent years demand for official inspection services in West Virginia have been extremely low. FGIS requests comments from the interested public regarding the need for continuing to provide official grain inspection services in West Virginia through designation of a replacement agency. All comments should be submitted in writing and postmarked no later than October 29, 1979 to the Office of the Director, Compliance Division, Federal Grain Inspection Service, 1400 Independence Avenue, S.W., Room 2405, Auditors Building, Washington, D.C. 20250.

Official inspection services have been and will be provided by the FGIS in the area previously serviced by the State of West Virginia until such time as the necessity of a replacement agency is determined. Persons desiring official inspection services should contact Mr. Harry F. Schadlich, Field Office Supervisor, United States Department of Agriculture, Federal Grain Inspection Service, 200 Granby Mall, Room 425, Norfolk, Virginia 23510, (804) 441-3117.

In making a final determination as to the need for a replacement agency in West Virginia, consideration will be given to all comments filed and to all other information available to the Administrator. All comments submitted pursuant to this notice will be made available for public inspection at the above Office of the Director during regular hours (7 CFR 1.27b) (Sec. 8, Pub. L. 94-582, 90 Stat. 2870, (7 U.S.C. 79) Sec. 27, Pub. L. 94-582, 90 Stat. 2889 (7 U.S.C. 74 Note)).

Done in Washington, D.C. on August 24, 1979.

L. E. Bartelt,
Administrator.

[FR Doc. 79-26894 Filed 8-28-79; 8:45 am]
BILLING CODE 3410-02-M

Science and Education Administration

National Agricultural Research and Extension Users Advisory Board; Meeting

According to the Federal Advisory Committee Act of October 6, 1972 (Pub.

L. 92-463, 86 Stat. 770-776), the Science and Education Administration announces the following meeting:

Name: National Agricultural Research and Extension Users Advisory Board.

Date: September 17-19, 1979.

Time: 9:00 a.m.-12:00 Noon—September 17, 9:00 a.m.-5:00 p.m.—September 18 & 19.

Place: Farmers Union Central Exchange (CENEX) Corporate Board Room, 1185 N. Concord, South St. Paul, Minnesota.

Type of meeting: Open to the public. Persons may participate in the meeting as time and space permit.

COMMENTS: Time will be made for non-member statements on September 17, or the public may file written comments before or after the meeting with the contact person below.

PURPOSE: On September 17 the Board will hold an open forum to hear statements by food and agricultural research and extension users regarding the allocations of funds and responsibilities for research and extension for consideration in preparing its October report.

On September 18 and 19 the Board will be drafting its report to the Secretary of Agriculture regarding its recommendations as to levels of funding and allocations of responsibility in food and agricultural research and extension.

CONTACT PERSON FOR AGENDA AND

MORE INFORMATION: Mr. James Meyers, Executive Secretary of the Users Advisory Board, Science and Education Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-3684.

Done at Washington, D.C., this 23rd day of August 1979.

James Nielson,

Executive Director, National Agricultural Research and Extension Users Advisory Board.

[FR Doc. 79-26895 Filed 8-28-79; 8:45 am]

BILLING CODE 3410-03-M

Joint Council on Food and Agricultural Sciences; Executive Committee Meeting

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), the Science and Education Administration announces the following meeting:

Name: Executive Committee of the Joint Council on Food and Agricultural Sciences.

Date: September 12, 1979.

Time and place: 8:30 a.m.-4:00 p.m., Room 336-A, Administration Building, U.S. Department of Agriculture, Washington, D.C.

Type of meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person below.

Purpose: To review and discuss preparation and agenda items for the October 10-12, 1979, meeting of the Joint Council; to discuss mechanisms for setting priorities; to assess the progress in setting into place the organizational structure for planning and coordination adopted by the Joint Council; and to review plans for Joint Council efforts in integrated pest management and other priority areas.

Contact person: Dr. J. C. Torio, Executive Secretary, Joint Council on Food and Agricultural Sciences, Science and Education Administration, U.S. Department of Agriculture, Room 351-A, Administration Building, Washington, D.C. 20250, telephone (202) 447-6651.

Done at Washington, D.C., this 24th day of August 1979.

James Nielson,

Executive Director, Joint Council on Food and Agricultural Sciences.

[FR Doc. 79-28973 Filed 8-28-79; 8:45 am]

BILLING CODE 3410-03-M

CIVIL AERONAUTICS BOARD

[Order 79-8-124]

Portland-San Jose/Sacramento/San Francisco Nonstop Authority

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (79-8-124).

SUMMARY: The Board is proposing to grant Portland-San Jose/Sacramento/San Francisco nonstop authority to Hughes Airwest, to grant Portland-San Jose/Reno/Sacramento/San Francisco authority to USAir (formerly Allegheny Airlines), to grant Portland-Reno/Sacramento/San Jose nonstop authority to Western Air Lines, to grant Portland-San Jose/Oakland/Reno/Sacramento/San Francisco nonstop authority to Air California, and to grant nonstop authority in any of the above markets to any other fit, willing and able applicants whose fitness can be established by officially noticeable data. The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than September 26, 1979, a statement of objections, together with a summary of testimony, statistical data,

and other material expected to be relied upon to support the stated objections. Additional Data: All existing and would-be applicants who have not filed (a) illustrative service proposals, (b) environmental evaluations, and (c) an estimate of fuel to be consumed in the first year are directed to do so no later than September 11, 1979.

ADDRESSES: Objections or Additional Data should be filed in Docket 36441, which we have entitled the *Portland-San Jose/Oakland/Reno/Sacramento/San Francisco Show-Cause Proceeding*. They should be addressed to Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Arthur B. Wells, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5352.

SUPPLEMENTARY INFORMATION: Objections should be served upon the following persons: Air California; USAir; Hughes Airwest; Western Air Lines; the Oregon State Department of Transportation, Aeronautics Division; the California Public Utilities Commission; the Nevada Public Service Commission; the California Department of Transportation, Division of Aeronautics; and the Mayors and airport managers of Portland, San Jose, Oakland, Reno, Sacramento, and San Francisco.

The complete text of Order 79-8-124 is available from the Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 79-8-124 to that address.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-28961 Filed 8-28-79; 8:45 am]

BILLING CODE 6320-01-M

[Order 79-8-118]

Rich International Airways, Inc.; New Cargo and Passenger Charter Authority

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 79-8-118.

SUMMARY: Docket 36439. The Board proposes to grant Rich International Airways, Inc. new cargo and passenger charter authority: (1) Between points in the United States (excluding Alaska); (2) between points in the United States, on the one hand, and points in Canada,

Mexico, the Caribbean, Central America, South America, the Transpacific area, and the transatlantic area (limited to passenger authority), on the other hand; and (3) for overseas and foreign air transportation pursuant to contract with the Department of Defense. This authority is at issue in the *Former Large Irregular Air Service Investigation*, Docket 33362.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that the authority described in the order cited above should be granted, shall, no later than October 10, 1979 file a statement of such objections, accompanied by 19 copies, with the Civil Aeronautics Board. A statement of objections must cite the docket number and must include a summary of testimony, statistical data or other supporting evidence.

ADDRESS FOR OBJECTIONS: Docket, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Ave., NW., Washington, D.C. 20428. Requests may be made by postcard.

FOR FURTHER INFORMATION CONTACT: James Casey, Office of the General Counsel, Civil Aeronautics Board, (202) 673-5792.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-28960 Filed 8-28-79; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

District of Columbia Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the District of Columbia Advisory Committee (SAC) of the Commission will convene at 10:00 am and will end at 12:30 pm, on September 14, 1979, at 2120 L Street, Washington, D.C. 20037.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, NW., Room 510, Washington D.C. 20037.

The purpose of this meeting is for program planning for new projects.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington D.C., August 23, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-26011 Filed 8-28-79; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Industry and Trade Administration

University of Arkansas; Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666-11th Street, N.W. (Room 735), Washington, D.C.

Docket No. 79-00255. Applicant: University of Arkansas, 325 Administration Building, Fayetteville, AR 72701. Article: Electron Microscope, Model JEM-100CX with Side Entry Goniometer and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study the structure and function of biological cells and tissues. Included among these will be normal as well as diseased cells or tissues of various animals, plants, and insects; the supramolecular structure of various virus particles; serial sections of virus-induced inclusion bodies; and ultrastructural cytochemistry of diseased cells. Studies of pathogen-specific cytopathological structures and/or inclusion bodies which can be used then as a diagnostic tool are sample objectives that will be pursued. The article will also be used in the course "Introduction to Electron Microscopy" which introduces students to standard preparative techniques for both scanning and transmission electron microscopy. The emphasis is practical, with students preparing and examining their own material throughout the course. Article ordered: March 5, 1979.

Docket No. 79-00262. Applicant: University of Kentucky, Plant Pathology Department, S-305 Agricultural Science Center, N., Lexington, Kentucky 40546. Article: Electron Microscope, Model EM 400 and Accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article:

The article is intended to be used for the study of the ultrastructural aspects of plant pathogenesis. Pathogenic agents to be studied will include fungi, bacteria and viral pathogens of plants and toxins produced by these pathogens.

Experiments will involve analysis of the sequence of events during infection of plants by pathogens and host responses to infection including changes in cells, subcellular organelles, and membranes. Article ordered: March 13, 1979.

Docket No. 79-00263. Applicant: National Naval Medical Center, Department of Pathology, Bethesda, Maryland 20014. Article: Electron Microscope, Model EM 10B and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for studies of the ultrastructure of diseased cells and tissues. Experiments will be conducted on diseased material to determine if there is any alteration from the normal morphology. Both qualitative measurements are to be used.

Morphometric analysis of cell and organelle dimensions will serve as a basis of comparison. In addition, the article will be used in a residency training course in the Department of Pathology designed to (1) familiarize residents with the most up to date procedures and instrumentation available for diagnostic electron microscopy, (2) train residents in the basic operation of the electron microscope, (3) teach residents the skill of interpreting the information available in electron micrographs, (4) review the basic ultrastructure of normal and diseased states of specific cells tissues. Article ordered: December 28, 1978.

Docket No. 79-00265. Applicant: Letterman Army Medical Center—Department of Pathology, Building 1100, Presidio of San Francisco, San Francisco, CA 94120. Article: Electron Microscope, Model EM 10A and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used to study human tissues removed surgically or at autopsy. Research will involve studying ultrastructurally all unusual tumors and many other pathologic states. In addition, the article will be used for post doctoral training of ten residents in the medical specialty of pathology. Article ordered: March 30, 1979.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, was being

manufactured in the United States at the time the articles were ordered.

Reasons: Each foreign article to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each article establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each article described above or at the time of receipt of application by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-26036 Filed 8-28-79; 8:45 am]

BILLING CODE 3510-25-M

University of California—Los Alamos; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666-11th Street, N.W., (Room 735) Washington, D.C.

Docket No. 79-00226. Applicant: University of California—Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, NM 87545.

Article: Line Tunable Multigas Laser Model TEA 801A and Accessories.

Manufacturer: Lumonics Research Ltd., Canada. Intended use of article: The article is intended to be used for the study of multiple photodissociation cross section. The experiment to be conducted is the irradiation of polyatomic molecules with extremely high irradiation fluences. The article is to produce the required extremely high ir fluences.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a pulse energy of 1.2 joules per line and multigas (nitrons oxide and carbon monoxide) operation. The National Bureau of Standards advises in its memorandum dated August 2, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-26939 Filed 8-28-79; 8:45 am]

BILLING CODE 3510-25-M

University of California—Los Alamos; Decision on Application for Duty Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666-11th Street, N.W. (Room 735) Washington, D.C.

Docket No.: 79-00227. Applicant: University of California—Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, NM 87545. Article: Extended Interaction Oscillator Model VKE 249OG and Accessories. Manufacturer: Varian Associates of Canada, Canada. Intended use of article: The article is intended to be used to cause spin transitions in the electron free radical of cr^+ and thereby to induce proton spin polarization in the hydrogen content of the 1,2 propane dial. The development of proton polarization will allow the propane dial to be used as a polarized target in medium energy neutron-proton scattering experiments such as these

have not been attempted before at these energies.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides power of five watts and a frequency range of 50.0-79.9 gigahertz. The National Bureau of Standards advises in its memorandum dated August 3, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-26940 Filed 8-28-79; 8:45 am]

BILLING CODE 3510-25-M

Department of Energy; Decision on Application for Duty Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666-11th Street, N.W. (Room 735) Washington, D.C.

Docket No. 79-00230. Applicant: U.S. Department of Energy, EG&G Idaho, Inc., P.O. Box 1625, Idaho Falls, ID 83401. Article: Micro-Metallograph, Model MM5RT and Accessories. Manufacturer: E. Leitz Inc., West Germany. Intended use of article: The article is intended to be used for the study of radiation effects, mechanical stress, the microstructural properties and parameters of materials and their relationship to temperature and other factors. Experiments will be conducted to improve the performance and power burst reactor fuel elements through the

quantitative analysis of their microstructure and correlation with the reactor environment factors and variables.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a gas tight, remote operating hot cell and hardness tester. The National Bureau of Standards advises in its memorandum dated July 13, 1979 that (1) the combination of capabilities of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no combination of domestic instruments or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-26941 Filed 8-28-79; 8:45 am]

BILLING CODE 3510-25-M

Environmental Protection Agency; Decision on Application for Duty Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666-11th Street, N.W. (Room 735) Washington, D.C.

Docket No. 79-00239. Applicant: U.S. Environmental Protection Agency, Environmental Sciences Research Laboratory, Environmental Research Center, Research Triangle Park, N.C. 27711. Article: Piezoelectric Aerosol Centrifuge. Manufacturer: Fraunhofergesellschaft Institute for Aerobiology, West Germany. Intended use of article: The article is intended to be used for studies of airborne pollution particles. Experiments will be carried

out to study particles emitted from stationary sources (e.g., power plants) and mobile sources (e.g., diesel-power vehicles) as well as particles in the ambient air.

These experiments will be conducted to determine variations in airborne particle size distributions and their dependence on source operating and atmospheric conditions.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign articles provides the capability to record mass distribution of aerosol particles from (0.3 to 5 microns in diameter) on a real time bases. The National Bureau of Standards advises in its memorandum dated August 6, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-28943 Filed 8-28-79; 8:45 am]

BILLING CODE 3510-25-M

Geological Survey/Menlo Park; Decision on Application for Duty Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666-11th Street, N.W. (Room 735) Washington, D.C.

Docket No. 79-00188. Applicant: U.S. Geological Survey, 345 Middlefield Road, Menlo Park, California 94025. Article: Magnetic Susceptibility Meter. Manufacturer: Ustav uzite geofyziky,

Brno, Czechoslovakia (Geophysical Instrumentation Institute). Intended use of the article: The article is intended to be used to distinguish between the magnetite-free and magnetite-bearing intrusive rocks which are impossible to differentiate in the field by any other means.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability for on site measurements directly on rocks without the need for drill core or crushed rock samples. The National Bureau of Standards advises in its memorandum dated July 12, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-28937 Filed 8-28-79; 8:45 am]

BILLING CODE 3510-25-M

NBS—Washington, D.C.; Decision on Application for Duty Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666-11th Street, N.W., (Room 735) Washington, D.C.

Docket No. 79-00249. Applicant: National Bureau of Standards, Washington, D.C. 20234. Article: Automatic Ratio Arm Bridge. Manufacturer: Automatic Systems Laboratories Ltd., United Kingdom. Intended use of article: The article is intended to be used for studies of the

thermodynamic properties of: standard reference materials (SRM's) issued by the National Bureau of Standards as secondary energy standards to calibrate (or check) reaction and heat capacity calorimeters; and key compounds (in the sense that their thermodynamic properties play a critical role in selecting values for the properties of other compounds). The experiments conducted in reaction calorimeters involve measurement of the corrected temperature rise (i.e., corrected for heat absorbed from the environment) of the calorimeter, ΔO_i caused by the change in interval energy associated with a chemical reaction, ΔU .

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides automatic operation, high resolution (one part in 10^6), accuracy 3 parts in 10^5 in the range 1,000 to 10,000 ohm range) and a stability of 10 times the accuracy figure. The National Bureau of Standards advises in its memorandum dated August 9, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-28944 Filed 8-28-79; 8:45 am]

BILLING CODE 3510-25-M

Purdue University: Decision on Application for Duty Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666-11th Street, N.W. (Room 735) Washington, D.C.

Docket No. 79-00238. Applicant: Purdue University, West Lafayette, Indiana 47909. ARTICLE: Three (3) Model HI-100 Loading Frames, Three (3) HI-100-1 Weights, and Three (3) 1-200 Consolidometers. Manufacturer: Geonor A/S, Norway. Intended use of article: The article is intended to be used for teaching purposes in the courses CE 383 Geotechnical Engineering I, CE 582 Soil Properties and their Measurement and CE 681 Engineering Properties of Soil. Students will use the equipment for standard and quasi standard incremental loading consolidation tests. The article will also be used for the study of the consolidation properties of soft clay soil (compression index, coefficient of compressibility, and other parameters) for supplemental usage when not scheduled for teaching purposes.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a combination wide range (up to 1000 kilograms) loading frame and consolidometer. The National Bureau of Standards advises in its memorandum dated July 20, 1979 that (1) the combination of capabilities of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-26942 Filed 8-28-79; 8:45 am]

BILLING CODE 3510-25-M

Surgical Neurology Branch NINCDS/NIH; Decision on Application for Duty Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the

regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666-11th Street, N.W. (Room 735) Washington, D.C.

Docket No. 79-00200. Applicant: Surgical Neurology Branch NINCDS/ National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014. Article: LKB 2088 Ultratome V Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of various biological materials including normal, neoplastic and injured (post traumatic and ischemic) neurons and glia. Scientific problems to be studied will include:

1. The ultrastructural characteristics of gliomas and other types of brain tumors.
2. Quantitative ultrastructural surface and cytoplasmic characteristics of chromatolytic and regenerating neurons and quiescent, hypertrophic and mitotic post-injury microglia, oligodendroglia and astroglia.
3. Quantitative ultrastructural surface and cytoplasmic characteristics of arachnoidal cells under quiescent and various experimental conditions.
4. Surface membrane characterization of gliomas and other brain tumors.
5. Analysis of lectin and other receptor movement after alterations of membrane fluidity and cytoskeletal organization; surface and cytoplasmic events in transformation as well as nerve regeneration.
6. Quantitative analysis of fine structural changes in glioma cells after treatment with various chemotherapeutic agents such as CCNU, BCNU, phenytoin, procarbazine, methotrexate (TEM with quantitative image analysis).

Post-doctoral fellows as well as medical students and neurological and neurosurgical residents will be trained to use the instrument as part of the research training in the laboratory.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (December 22, 1978).

Reasons: The foreign article has a cutting speed range of 0.1 to 50 millimeters/second (mm/sec). The MT/5000 ultramicrotome manufactured domestically by the DuPont/Sorvall Division of the DuPont Company

(Sorvall) became available on April 24, 1979. The MT/5000 has a cutting speed range of 0.1 to 38 mm/sec. However, at the time the foreign article was ordered, the most closely comparable domestic instrument was Sorvall's Model MT-2B ultramicrotome. The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec.

We are advised by the National Bureau of Standards in its memorandum dated June 27, 1979 that (1) cutting speeds in the excess of 4mm/sec. are pertinent to the applicant's research studies and (2) the domestic instrument does not provide the pertinent feature. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 79-26938 Filed 8-28-79; 8:45 am]

BILLING CODE 3510-25-M

National Telecommunications and Information Administration

Grants for Planning and Construction of Public Telecommunications Facilities Program; Addendum to List of Applications Accepted for Filing

Notice is hereby given that the application of National Public Radio (NPR) for a construction grant has been accepted for filing under the provisions of Title III, Part IV of the Communications Act of 1934, as amended (47 U.S.C. 390-394, 397), and accordance with 15 CFR Part 2301.

National Public Radio, 2025 M Street, NW., Washington, D.C. 20036, File No. 568R/C790132R to improve production and distribution facilities at National Public Radio, Washington, D.C. Proposal determined acceptable: August 22, 1979. Estimated total project costs: \$556,210. Grant requested: \$417,158. Application signed by: Thomas Warnock, Executive Vice President.

This notice is an addendum to the list of applications accept for filing announced on August 8, 1979, 44 FR 46712-734. It was initially determined that NPR was ineligible for the project

proposed. Upon reviewing that decision on our own motion, it was determined that NPR is an eligible entity.

The acceptance of applications for filing is a procedure designed for making preliminary determinations of eligibility, and for providing the opportunity for public comment on applications. Acceptance of an application does not preclude subsequent return or disapproval of an application if it is found to be not in accordance with the provisions of 15 CFR Part 2301, or if the applicant fails to file any additional information requested by the Administrator, National Telecommunications and Information Administration. Acceptance for filing does not assure an application of being funded; it merely qualifies it to compete for funding with other applications which have also been accepted for filing.

Pursuant to 15 CFR 2301.11 applicants are required to publish in a newspaper of general circulation in the community to be served by the applicant, a notice that such application has been tendered to the National Telecommunications and Information Administration. The notice shall be published once a week for two consecutive weeks within the three week period following the date of this publication in the *Federal Register*. The notice shall contain substantially the same information concerning the application that is published in this notice of acceptance. In addition, it will include (1) information as to where within the community to be served a copy of the application, and any amendments thereto, may be inspected by the public during normal business hours, and (2) an invitation for parties supporting or opposing the application to file comments with the Administrator, National Telecommunications and Information Administration, Public Telecommunications Facilities Program, Washington, D.C. 20005, under the terms of 15 CFR 2301.14.

Section 2301.14 provides that interested parties may file comments on applications accepted for filing within 30 days of the publication in the *Federal Register* of the notice of acceptance.

Section 2301.37, permits the Administrator, NTIA, to waive the agency's regulations if good cause exists for the waiver. NTIA believes that good cause exists to shorten the 30 day comment period of § 2301.14 to September 13, 1979. This determination is based on the fact that in order for the NPR application to be considered in the current funding round, NTIA must evaluate and rate the application against the others that have already been accepted. Since the announcement

of grant awards and the acceptance of grants must be made before September 30, 1979, it is imperative that any comments on the applications be received promptly. Adhering to the 30 day standard of § 2301.14 would make such consideration impossible. Additionally, the late notice of acceptance was solely due to internal NTIA review of NPR's eligibility. More specifically, we initially had read section 393(b)(4) of the Act (which corresponds to Priorities III and IV of the Program) to limit improvement and augmentation grants to enhancements to the facilities of individual existing public broadcast stations. Since NPR is not a station, it was ineligible under this construction. Upon closer analysis, however, it was determined that that reading of section 393(b)(4) was too restrictive and that an applicant which is comprised stations was eligible to complete for consideration for improvement and augmentation grants.

Parties wishing to comment on the application are advised that their comments must be accompanied by a certificate demonstrating that a copy of the comments have been mailed to NPR.

(47 U.S.C. 390-394, 397)

(Catalog of Federal Domestic Assistance Program No. 11.550, Public Telecommunications Facilities Program.)

This notice issued in Washington, D.C. on August 23, 1979.

William A. Lucas,

Associate Administrator, National Telecommunications and Information Administration.

[FR Doc. 79-20957 Filed 8-28-79; 8:45 am]

BILLING CODE 3510-60-M

DEPARTMENT OF DEFENSE

Department of the Army

Intent To Prepare a Draft Environmental Impact Statement on the Congressionally Authorized Beach Erosion Control and Hurricane Protection Project from Fire Island Inlet to Montauk Point, N.Y.

AGENCY: U.S. Army Engineer District, New York, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS) on the Congressionally authorized BE-HUR project along the south shore of Long Island from Fire Island Inlet to Montauk Point, New York. The DEIS will be based on reformulation studies of the authorized Federal project which were requested by CEQ.

SUMMARY: 1. History of Authorization:

The project, as authorized by the Congress in 1960, would provide beach erosion control and hurricane protection along approximately 80 miles of the Atlantic coast of the south shore of Long Island. Protection would be provided by placement of sand in the form of dunes, 20 feet above Mean Sea Level, suitably planted with vegetation and placement of a berm 14 feet above mean sea level with a naturally sloped forebeach. Up to 50 groins were authorized, if conditions indicated they were necessary.

2. Currently identified alternatives for reformulation include:

- Variations in dune/berm height;
- Various geographic boundaries of protection and control;
- Placement of seawalls;
- Ring levee or enclave protection;
- Offshore breakwaters (for beach erosion only);
- Sand by-passing (for beach erosion only);
- Various levels of evacuation/condemnation;
- Flood proofing/raising structures;
- Various coastal structures;
- Various combinations of the above.

3. Corps' Scoping Process:

a. *Background.* In January 1976 the New York District, Corps of Engineers published a Final Environmental Impact Statement for the Congressionally authorized project. In March 1978, the Department of the Interior, supported by Department of Commerce and U.S.E.P.A., referred the EIS to the Council on Environmental Quality (CEQ) as unacceptable. On 6 June 1978 the CEQ sustained the referral and referred the project back to the Corps for reformulation. The main reasons cited were that plan formulation did not address all alternatives and certain environmental impacts, including geomorphic and impacts due to development were inadequately stated.

b. *Federal Interagency Coordination.* In September 1978 and February and July 1979, in-depth meetings were held at the New York District, Corps of Engineers offices with representatives of Department of the Interior, Department of Commerce, and U.S.E.P.A. attending. Departmental differences were explored at the meetings and by interim correspondence and a series of meetings, scopes of work were produced.

c. *Proposed Public Involvement Program.* A series of frameworks for scoping of the Draft EIS have been produced with a view towards avoiding an agency referral to the CEQ in the future. It is now possible to present these to affected Federal, State and local agencies, and other interested

organizations and parties and invite their input and participation. Specifically, the frameworks of the various sets of scopes of work will be presented to all interested parties, requesting constructive criticism and input. Assistance will be requested in determining what the central issues are, which alternatives are real alternatives, which proposed studies are required to concentrate on the real alternatives, which matters are peripheral only and do not warrant in-depth treatment, where most case assumptions may adequately substitute for studies, whether study time limits are desirable, and how responsibilities for portions of study should be assigned to the various interested agencies.

The first stage of the public review shall be public scoping meetings which are coincidental with the reformulation study initiation meetings. Public notices sent to addresses on a comprehensive mailing list will contain an outline of issues, alternatives and potential studies. These will also be presented at the meetings and public input shall be sought. All input shall be carefully considered by the lead agency (Corps of Engineers) and recommended course(s) of action shall be reviewed by the coordinating Federal agencies and the local cooperating agency (State of New York).

From time to time during the study, additional public meetings or mailings may be accomplished.

d. *Significant Issues.* The significant issues which the referring agencies have indicated should be analyzed in depth in the DEIS are synopsized below:

(1) *Geomorphic Analysis.* A four phase study to determine if the barrier island system of the south shore of Long Island is migrating towards the mainland.

(2) *Design Reanalysis.* Complete reanalysis of studies previously performed by the Corps in determining littoral drift, storm performance and design. Purpose is to verify previous work and current state of art.

(3) *Fish and Wildlife Studies.* Inventories, sampling, and analysis of marine (borrow area), terrestrial, and back-bay life forms to determine potential impacts.

(4) *Man's Impact on Barrier Island.* Various real estate and design studies oriented towards development impacts.

(5) *Water Quality Studies.* Groundwater and surface water studies.

(6) *Aeolian (Wind) Study.* The role of the wind in the sand transport system.

(7) *Alternative Studies.* To expand alternatives to be studied.

(8) *Relationship of any project to the U.S. Department of Interior Fire Island National Seashore Area.*

e. *Assignment of Work.* Possible assignments for input into the EIS include offers of assistance from the Department of the Interior, and the Department of Commerce, National Marine Fisheries Service. Schedules for tentative assignments of work are available upon request.

f. *Time Limits.* Although no time limits have officially been set, the reformulation study to follow current requirements by Federal agencies could take 4 to 8 years concluding with an EIS to EPA and also to CEQ. Input on the desirability of a time limit is solicited. Specific recommendations should address the following parameters in regard to study length:

(1) Potential for environmental harm.

(2) State of the art of analytic techniques.

(3) Public need, including consequence of delay.

(4) Availability of data and time required for obtaining additional data.

g. *Other Environmental Review and Consultation Requirements.*

(1) *Review by the CEQ.* In view of the June 6, 1978 CEQ referral, the recommended course(s) of action mutually agreed upon by participants shall be returned early in the study to the CEQ, requesting advice as to whether the course(s) of action fulfill CEQ directive as contained in the June 1978 referral.

(2) *Review by Local Cooperating Agency.* The local cooperating agency in this project is the State of New York, specifically, the New York State Department of Environmental Conservation (NYSDEC). The Water Resource Development Act of 1974 establishes cost sharing for the project first cost as 70 percent Federal and 30 percent non-Federal to be borne by the local cooperating agency. Since post-authorization studies, such as the proposed reformulation study, are part of the project first cost, 30 percent of the cost associated with the same is a responsibility of NYSDEC. Accordingly, a review of the course of study, identified to date is necessary by the NYSDEC.

4. *Scoping Meetings:* Two scoping meetings have been scheduled because of the large geographical area to be covered (approximately 80 miles E to W) and to reduce the necessary travel to the meetings. These meetings will cover the same subject matter and will be held as follows:

9 October 1979, 8:00 p.m. (Tuesday), South Hampton College, Montauk Highway, Southampton, New York.

10 October 1979, 8:00 p.m. (Wednesday), Hauppauge High School, Veterans Memorial Highway, Hauppauge, New York.

Should residual differences on scopes remain after the above meetings, it may be necessary to hold workshop sessions with the proponents of the issues in question to resolve positions.

5. *Availability of DEIS:* The exact date that the DEIS will be made available to the public cannot be determined at this time, since the scoping effort is not yet complete. Best estimates to the present time range from 1983 to 1986, depending on final scope.

ADDRESS: Should additional information about the proposed action (DEIS) be desired, contact the following:

Ms. Linda Monte, NANEN-E or Mr. Bruce Bergmann, Project Manager NANEN-Cy
New York District, U.S. Army Corps of Engineers, 26 Federal Plaza, New York, New York 10007.

Dated: August 22, 1979.

Clark H. Benn,
Colonel, Corps of Engineers, District Engineer.

[FR Doc. 79-20852 Filed 8-28-79; 8:45 am]

BILLING CODE 3710-06-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Domestic Crude Oil Allocation Program; Entitlement Notice for June 1979

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: June 1979 Entitlement Notice.

SUMMARY: Under the Department of Energy's (DOE) domestic crude oil allocation (entitlements) program, this is the monthly entitlement notice which sets forth the entitlement purchase or sale requirements of domestic refiners for June 1979.

DATES: Payments for entitlements required to be purchased under this notice must be made by August 31, 1979. The monthly transaction report specified in § 211.66(i) shall be filed with the DOE by September 10, 1979.

FOR FURTHER INFORMATION CONTACT:

Douglas McIver (Entitlements Program Office), Economic Regulatory Administration, 2000 M Street, N.W., Room 61281, Washington, D.C. 20461, (202) 254-8660.

Kristina Clark (Office of General Counsel), Department of Energy, Forrestal Building, 1000 Independence Avenue, S.W., Room 6A-127, Washington, D.C. 20585, (202) 252-6744.

SUPPLEMENTAL INFORMATION: In accordance with the provisions of 10

CFR § 211.67 relating to the domestic crude oil allocation program of the Department of Energy (DOE), administered by the Economic Regulatory Administration (ERA), the monthly notice specified in § 211.67(i) is hereby published.

Based on reports for June 1979 submitted to the DOE by refiners and other firms as to crude oil receipts, crude oil runs to stills, eligible product imports, middle distillate imports, and imported naphtha utilized as a petrochemical feedstock in Puerto Rico; application of the entitlement adjustment for residual fuel oil production shipped in foreign flag tankers for sale in the East Coast market provided in § 211.67(d)(4); application of the entitlement adjustments for California lower tier and upper tier crude oil provided in § 211.67(a)(4); July 1979 deliveries of crude oil for storage in the Strategic Petroleum Reserve; and application of the entitlement adjustment for small refiners provided in § 211.67(e), the national domestic crude oil supply ratio for June 1979 is calculated to be .220033.

In accordance with § 211.67(b)(2), to calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for the month of June 1979, each barrel of old oil is equal to one barrel of deemed old oil and each barrel of upper tier crude oil is equal to .474601 of a barrel of deemed old oil.

The issuance of entitlements for the month June 1979 to refiners and other firms is set forth in the Appendix to this notice. The Appendix lists the name of each refiner or other firm to which entitlements have been issued, the number of barrels of deemed old oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR § 211.67(i)(4), the price at which entitlements shall be sold and purchased for the month of June 1979 is hereby fixed at \$13.70, which is the exact differential as reported for the month of May between the weighted average per barrel costs to refiners of old oil and of imported and exempt domestic crude oil, less the sum of 21 cents.

In accordance with 10 CFR § 211.67(b) each refiner that has been issued fewer entitlements for the month of June 1979 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of June 1979 equal to the difference

between the number of barrels of deemed old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of June 1979 in excess of the number of barrels of deemed old oil included in their adjusted crude oil receipts for that month and other firms issued entitlements shall sell such entitlements to refiners required to purchase entitlements. In addition, certain refiners are required to purchase or sell entitlements to effect corrections for reporting errors for the months September 1975 through May 1979 pursuant to 10 CFR § 211.67(j)(1).

The listing of refiners' old oil receipts contained in the Appendix reflects any adjustments made by ERA pursuant to § 211.67(h).

The listing contained in the Appendix identifies in a separate column labeled "Exceptions and Appeals" additional entitlements issued to refiners pursuant to relief granted by the Office of Hearings and Appeals (prior to March 30, 1978, the Office of Administrative Review of the Economic Regulatory Administration). Also set forth in this column are adjustments for relief granted by the Office of Hearings and Appeals for 1975 and 1976, which adjustments are reflected in monthly installments. The number of installments is dependent on the magnitude of the adjustment to be made. For a full discussion of the issues involved, see *Beacon Oil Company, et al*, 4 FEA par. 87,024 (November 5, 1976).

The listing contained in the Appendix continues the "Consolidated Sales" entry initiated in the October 1977 entitlement notice. The "Consolidated

Sales" entry is equal to the June 1979 entitlement purchase requirement of Arizona Fuels. The purpose of providing for the "Consolidated Sales" entry is to ensure that Arizona Fuels is not relieved of its June 1979 entitlement purchase requirement and that no one firm will be unable to sell its entitlements by reason of a default by Arizona Fuels. For a full discussion of the issues involved, see *Entitlement Notice for October 1977* (42 FR 64401, December 23, 1977).

For purposes of § 211.67(d) (6) and (7), which provide for entitlement issuances to refiners or other firms for sales of imported crude oil to the United States Government for storage in the Strategic Petroleum Reserve, the number of barrels sold to the Government totaled 1,520,879 barrels.

For the month of June 1979, imports of residual fuel oil eligible for entitlements issuances totaled 20,107,680 barrels.

For the month of June 1979, imports of middle distillates eligible for entitlement issuances totaled 1,231,388 barrels.

In accordance with § 211.67(a)(4), the number of barrels of California lower tier and upper crude oil as reported by refiners to the DOE, and the weighted average gravity thereof are as follows:

	Volumes	Weighted average gravity
California Lower Tier Crude Oil	7,821,715	18"
California Upper Tier Crude Oil	8,590,219	20"

The total number of entitlements required to be purchased and sold under this notice is 21,325,107.

Based on reports submitted to the DOE by refiners as to their adjusted crude oil receipts for June 1979, the pricing composition and weighted average costs thereof are as follows:

	Volumes	Weighted average cost	Percent of total volumes*
Lower Tier	70,356,093	\$6.47	14.8
Upper Tier	93,651,625	13.66	19.7
Exempt Domestic:			
Alaskan	32,258,891	16.48	6.8
Stripper	45,916,315	20.29	9.6
Naval Petroleum Reserve	3,156,746	16.06	0.7
Tertiary	38,574	13.48	0.01
Newly Discovered	1,407,538	22.23	0.3
Total Domestic	246,787,782	13.29	51.8
Total Imported (incl. SPR)	229,622,658	21.00	48.2
Total Reported Crude Oil Receipts	476,410,440	17.00	100.0
Total Reported Crude Oil Runs to Stills	467,731,749		
Total Uncontrolled (Exempt Domestic and Imported)	312,402,722	20.37	65.6

*Volumes may not add due to rounding.

Payment for entitlements required to be purchased under 10 CFR § 211.67(b) for June 1979 must be made by August 31, 1979.

On or prior to September 10, 1979,

each firm which is required to purchase or sell entitlements for the month of June 1979 shall file with the DOE the monthly transaction report specified in 10 CFR § 211.66(i) certifying its purchases and sales of entitlements for the month of

June. The monthly transaction report forms for the month June have been mailed to reporting firms. Firms that have been unable to locate other firms for required entitlement transactions by August 31, 1979 are requested to contact the ERA at (202) 254-3336 to expedite consummation of these transactions. For firms that have failed to consummate

required entitlement transactions on or prior to August 31, 1979, the ERA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR § 211.67(k).

This notice is issued pursuant to Subpart G, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with the Office of Hearings and Appeals

in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before September 28, 1979.

Issued in Washington, D.C., on August 20, 1979.

Barton R. House,
Deputy Administrator for Operations and
Emergency Management, Economic
Regulatory Administration.

Appendix.—Entitlements for Domestic Crude Oil, June 1979

Reporting firm short name	Deemed old oil adjusted receipts	Total issued	Exceptions and appeals	Entitlement position		Required to buy	Required to sell
				Entitlements			
				Product	California		
Consol'd-Sales	-\$67,466	0	0	0	0	0	167,466
A-Johnson	0	121,450	0	0	0	0	121,450
Allied	50,971	60,549	0	0	0	0	9,578
Amer-Petrofina	1,228,074	927,266	0	0	0	300,808	0
Amerada-Hess	1,242,931	3,920,151	0	175,908	0	0	2,677,220
Amoco	9,907,100	7,068,936	0	0	0	2,840,164	0
Anchor	8,621	56,845	0	0	2,474	0	50,224
Arco	3,363,248	5,136,447	0	0	20,428	0	1,773,199
Arizona	98,007	30,541	0	0	0	67,466	0
Asamera	49,099	118,710	0	0	0	0	69,611
Ashland	1,336,038	2,642,812	0	0	0	0	1,306,774
Basin	33,782	107,915	0	0	6,614	0	74,133
Bayou	37,965	36,382	0	0	0	1,583	0
Beacon	183,288	106,302	-12,435	0	17,765	76,966	0
Belcher	0	119,849	0	119,849	0	0	119,849
Bi-Petro	69,081	189,793	0	0	0	0	120,712
Bruin	50,105	106,827	0	0	0	0	56,722
C&H	434	211	0	0	0	223	0
Calcasieu	100,134	63,571	0	0	0	36,563	0
Calumet	17,854	20,596	0	0	0	0	2,744
Canal	90,848	46,590	0	0	0	44,256	0
Carbonit	78,638	65,652	0	0	0	12,986	0
Caribou	68,214	50,158	0	0	6,104	18,056	0
Champlin	1,556,765	1,149,774	0	0	22,975	406,991	0
Charter	698,331	506,506	54,308	0	0	191,825	0
Chevron	8,335,035	6,891,261	195,343	13,774	246,271	0	558,226
Cibro	0	201,916	0	33,695	0	0	201,918
Citgo	1,594,535	1,740,735	0	0	0	0	146,200
Claiborne	84,156	27,393	0	0	0	36,763	0
Clark	362,880	641,307	0	0	0	0	278,427
Coastal	274,338	1,454,580	139,596	58,544	0	0	1,180,242
Colonial	0	60,100	0	60,100	0	0	60,100
Conoco	2,861,610	2,427,241	0	23,958	92,748	434,369	0
Consumers-Power	0	63,434	0	63,434	0	0	63,434
Coral	0	194,681	0	0	0	0	194,681
Corco	0	1,191,816	1301,506	315,575	0	0	1,191,816
CRA-Farmland	401,376	590,204	0	0	0	0	188,828
Cross	54,011	67,741	0	0	0	0	13,730
Crown	319,215	671,933	0	0	0	0	353,718
Crystal-Oil	119,515	95,696	0	0	0	23,819	0
Crystal-Ref	0	18,103	0	0	0	0	18,103
Delta	175,526	327,203	0	0	0	0	151,577
Demingo	18,919	70,443	0	0	4,431	0	51,524
Detroit-Ed	0	38,988	0	38,988	0	0	38,988
DFSC	0	711	0	711	0	0	711
Diamond	571,860	312,722	0	0	0	259,158	0
Dillman	0	465	0	0	0	0	465
Dorchester	14,643	175,345	0	0	0	0	160,702
Dow	68,998	38,160	0	0	0	30,838	0
E-Seaboard	0	48,252	0	48,252	0	0	48,252
ECO	43,751	63,007	0	0	8,391	0	19,256
Eddy	47,522	30,605	0	0	0	16,917	0
Energy-Coop	0	689,176	6,979	0	0	0	689,176
Enterprise	0	3,521	0	3,521	0	0	3,521
Ergon	19,762	75,698	0	0	0	0	55,924
Erickson	3,400	78,934	0	0	0	0	75,534
Evangelina	43,013	26,945	0	0	0	16,068	0
Exxon	9,072,472	9,570,272	1237,326	475,342	0	0	497,800
EZ-Serve	16,485	31,706	0	0	0	0	15,221
Farmers-Un	209,607	292,594	0	0	0	0	83,087
Fletcher	26,927	216,383	0	0	4,481	0	189,456
Flint	3,962	6,163	0	0	0	0	2,201
Friendswood	76,101	54,941	0	0	0	21,160	0
Funding	68,811	36,382	0	0	0	30,429	0
Gary	183,407	98,154	0	0	0	85,253	0
Getty	1,304,425	1,282,964	0	0	0	21,481	0
Giant	44,224	41,841	0	0	0	2,383	0
Glacier Park	102,588	36,145	0	0	0	66,441	0
Gladioux	49,615	50,488	0	0	0	0	873

Appendix.—Entitlements for Domestic Crude Oil; June 1979—Continued

Reporting firm short name	Deemed old oil adjusted receipts	Total issued	Exceptions and appeals	Entitlement position		Required to buy	Required to sell
				Entitlements			
				Product	California		
Golden-Eagle.....	0	112,851	0	0	0	0	112,851
Goldking.....	224,472	123,332	0	0	0	101,140	0
Good-Hope.....	64,382	229,976	0	0	0	0	165,594
Guam.....	0	225,010	0	0	0	0	225,010
Gulf.....	7,871,983	5,912,815	3,649	31,049	48,677	1,959,168	0
Hall-Dist.....	0	29	129	0	0	0	29
Hiri.....	0	300,328	0	0	0	0	300,328
Howell.....	247,701	241,802	0	0	0	5,899	0
Hudson-Oil.....	33,999	135,127	0	0	0	0	101,128
Hunt.....	240,295	220,744	0	0	0	19,551	0
Husky.....	576,355	576,355	236,405	0	0	0	0
Independent-Ref.....	0	103,326	0	0	0	0	103,326
Indiana-Farm.....	38,751	154,220	0	0	0	0	115,469
Indust-Fuel.....	2,915	19,792	0	0	0	0	16,867
Inter-Process.....	0	153,806	0	0	0	0	153,806
Irving.....	0	27,142	0	27,142	0	0	27,142
Kenco.....	50,426	38,693	0	0	0	11,733	0
Kentucky.....	17,022	8,147	0	0	0	8,875	0
Kern.....	313,349	265,763	78,765	0	25,943	47,586	0
Kerr-McGee.....	1,208,888	867,840	0	0	0	340,848	0
Koch.....	580,368	815,345	0	47,182	0	0	234,977
Lagloria.....	399,188	288,257	0	0	0	110,931	0
Lakeside.....	36,981	24,934	0	0	0	12,047	0
Laketon.....	186,334	183,610	104,925	0	0	2,724	0
Little-Amer.....	1,621,239	514,180	40,649	0	0	1,107,059	0
Louisiana-Land.....	558,093	290,190	0	0	0	267,903	0
Macmillan.....	76,957	106,484	0	0	7,419	0	29,527
Marathon.....	5,148,045	3,171,619	0	0	0	1,976,426	0
Marion.....	74,428	154,083	0	0	0	0	79,655
Metropolitan.....	0	77,039	0	77,039	0	0	77,039
Mid-Amer.....	1,014	23,478	0	0	0	0	22,464
Mobil.....	6,139,198	5,092,732	0	22,522	245,660	1,046,466	0
Mobile-Bay.....	0	158,612	0	0	0	0	158,612
Quitman.....	24	52,315	0	0	0	0	52,291
Rancho-Ref.....	8,428	10,156	0	0	0	0	1,728
Raymal.....	8,104	17,904	0	0	0	0	9,800
Richards.....	183	66,063	0	0	0	0	65,880
Road-Oil.....	0	84	0	0	0	0	84
Rock-Island.....	114,533	272,270	0	0	0	0	157,737
Saber-Tex.....	34,268	142,302	0	0	0	0	108,034
Sabre-Cal.....	48,023	73,871	0	0	5,465	0	25,848
Sage-Creek.....	4,699	2,781	0	0	0	1,918	0
San-Joaquin.....	245,553	189,188	0	0	59,258	56,365	0
Scallop.....	0	217,184	0	217,184	0	0	217,184
Scanlon.....	0	30,741	0	30,741	0	0	30,741
Schulze.....	18,152	10,591	0	0	0	7,561	0
Seaview.....	0	64,839	0	0	0	0	64,839
Sector.....	46,852	26,619	0	0	0	20,233	0
Seminole.....	9,418	92,504	0	0	0	0	83,086
Sentry.....	20,907	206,590	110,080	0	1,585	0	185,683
Shell.....	9,123,100	6,336,280	0	0	265,708	2,708,820	0
Shepherd.....	528	65,545	0	0	0	0	65,017
Sigmar.....	15,024	162,087	0	0	0	0	147,063
Silver-Eagle.....	1,139	720	0	0	0	419	0
Slapco.....	144,089	76,760	0	0	0	67,329	0
So-Hampton.....	11,126	74,894	0	0	0	0	63,758
Sohio.....	1,281,018	2,944,255	0	0	0	0	1,663,237
Somerset.....	23,377	24,779	0	0	0	0	1,402
Sound.....	21,838	65,283	0	0	5,015	0	43,445
Southern-Union.....	214,663	229,706	0	0	0	0	15,023
Southland.....	428,170	234,090	51,693	0	0	194,080	0
Southwestern.....	5,904	5,219	0	0	0	885	0
Sprague.....	0	79,079	0	79,079	0	0	79,079
Sunland.....	15,574	93,592	0	0	3,692	0	76,018
Sunoco.....	3,739,030	3,648,826	8,296	0	0	90,204	0
Swann.....	0	22,012	0	22,012	0	0	22,012
T&S.....	36,715	41,370	0	0	0	0	4,655
Mohawk.....	425,912	283,998	54,806	0	36,482	141,914	0
Monoco.....	0	8,302	0	8,302	0	0	8,302
Monsanto.....	186,856	245,287	0	0	0	0	58,431
Morrison.....	22,852	8,790	0	0	0	14,062	0
Mountaineer.....	5,027	1,990	0	0	0	3,037	0
Mt-Airy.....	134,965	115,268	0	0	0	19,697	0
Murphy.....	1,050,897	752,632	0	0	0	298,265	0
N-Amer-Petro.....	119,408	204,077	0	0	31,175	0	84,669
Natl-Coop.....	238,449	386,572	0	0	0	0	148,123
Navajo.....	369,928	217,436	0	0	0	152,490	0
Nevada.....	36,520	23,690	0	0	0	12,830	0
New-Edginton.....	487,556	328,394	45,782	0	92,399	159,162	0
New-Engl-Petro.....	0	296,215	0	296,215	0	0	296,215
Newhall.....	149,382	136,060	0	0	17,776	13,322	0
Northeast-Petro.....	0	2,433	0	2,433	0	0	2,433
Northland.....	38,456	38,456	25,294	0	0	0	0
Northville.....	0	51,843	0	51,843	0	0	51,843

Appendix.—Entitlements for Domestic Crude Oil, June 1979—Continued

Reporting firm short name	Deemed old oil adjusted receipts	Total issued	Exceptions and appeals	Entitlement position		Required to buy	Required to sell
				Entitlements			
				Product	California		
OKC	149,839	169,424	0	0	0	0	19,585
Okla-Ref	90,788	100,393	0	0	0	0	9,605
Oxnard	13,752	29,237	0	0	3,111	0	15,485
Peerless	0	42,074	0	0	0	0	42,074
Pemex	0	334,644	0	0	0	0	334,644
Pennzoil	419,112	353,960	0	0	0	65,152	0
Pester	162,324	192,748	0	0	0	0	30,424
Phillips	2,641,641	1,905,858	0	0	-103	735,783	0
Phillips-PR	0	193,634	0	193,634	0	0	193,634
Pioneer	73,681	49,611	0	0	0	24,070	0
Placid	548,191	301,300	0	0	0	246,891	0
Plateau	204,173	177,171	0	0	0	27,002	0
Port	12,305	13,365	0	0	0	0	1,060
Powerline	232,031	278,823	0	0	38,925	0	46,792
Pride	165,247	97,614	0	0	0	67,633	0
Quad	378	31,514	0	0	90	0	31,138
Quaker-St	51,640	204,221	0	0	0	0	152,581
Tennco	1,310,617	618,230	0	0	9,073	692,387	0
Tesoro	287,252	492,704	0	0	0	0	205,452
Texaco	8,288,395	5,715,602	77,118	152,264	172,625	1,572,793	0
Texas-American	97,408	65,165	0	0	0	32,243	0
Texas-Asph	36,941	8,317	0	0	0	28,624	0
Texas-City	579,188	852,739	0	0	0	0	73,571
Thagard	190,233	134,169	4,538	0	33,776	56,064	0
Thriftway	56,053	35,482	0	0	0	20,571	0
Thunderbird	61,679	75,136	0	0	0	0	13,457
Tipperary	70,282	45,637	0	0	0	24,645	0
Tonkawa	81,832	53,465	0	0	0	28,367	0
Tosco	1,881,237	1,388,301	0	0	250,510	492,936	0
Total-Petroleum	416,102	805,874	0	0	0	0	189,772
UCC-Caribe	0	172,223	0	172,223	0	0	172,223
Uni-Ref	0	196,645	0	0	0	0	196,645
Union-Oil	4,096,773	3,070,344	0	0	167,019	1,026,429	0
Unit-Ref	111,679	215,832	0	0	0	0	104,153
US-Oil	21,893	146,998	0	0	3,370	0	125,115
USA-Petrochem	38,358	152,891	0	0	5,140	0	114,533
Val-Verde	4,858	3,471	0	0	0	1,387	0
Vickers	191,728	439,782	0	0	0	0	248,036
Vicksburg	7,058	50,323	0	0	0	0	43,267
Waller	0	10,782	0	10,782	0	0	10,782
Warrior	64,852	32,740	10,715	0	0	32,112	0
West-Coast	65,580	64,744	0	0	16,034	836	0
Western	95,432	67,585	0	0	0	27,847	0
Winston	99,782	117,431	0	0	0	0	17,649
Wireback	0	523	0	0	0	0	523
Wilco	63,150	180,830	0	0	9,365	0	97,660
Wyatt	0	20,317	0	20,317	0	0	20,317
Wyoming	50,301	124,961	0	0	0	0	74,660
Yetter	0	493	0	0	0	0	493
Young	63,789	44,171	19,471	0	0	18,618	0
Total	112,451,135	112,451,135	1,594,838	2,893,614	1,988,069	21,325,107	21,325,107

See discussion in Notice.

Entitlements issued pursuant to the regulation issued July 24, 1979 (44 FR 31162 May 31, 1979) which provides entitlements benefits for imports of middle distillates for the months May 1979 through August 1979.

Authorization to sell these entitlements to subject to conditions set forth in a DOE Decision and Order issued to Commonwealth Oil and Refining Company on March 20, 1978.

This is consistent with the court's order prohibiting any further entitlement purchase requirements by this firm pursuant to the terms of the court's judgment in *Husky Oil Co. v. DOE, et al.*, Civ. Action No. C77-190-B (D.Wyo., filed March 14, 1978), remanded F.2d (No. 10-18 TECA, August 10, 1978).

Includes entitlements issued for sales of imported crude oil to the United States Government for storage in the Strategic Petroleum Reserve.

This does not include the purchase obligation stayed by court order in *Texas Asphalt & Refinery Co. v. FEA* Civ. Action No. 4-75-268 (N.D. Tex., filed October 31, 1975).

[FR Doc. 79-26041 Filed 8-23-79; 10:05 am]

BILLING CODE 6450-01-M

[ERA Docket No. 79-CERT-070]

Anchor Hocking Corp.

Certification of Eligible Use of Natural Gas to Displace Fuel Oil

Anchor Hocking corporation (Anchor Hocking) filed an application for certification of an eligible use of natural gas to displace fuel oil at its glass manufacturing plant in Winchester,

Indiana, with the Administrator of the Economic Regulatory Administration pursuant to 10 CFR Part 595 on July 23, 1979. Notice of that application was published in the *Federal Register* (44 FR 45988, August 6, 1979) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The Administrator has carefully reviewed Anchor Hocking's application in accordance with 10 CFR Part 595 and

the policy considerations expressed in the Interim-Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas for Fuel Oil Displacement (44 FR 20398, April 5, 1979). The Administrator has determined that Anchor Hocking's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. A copy of the transmittal letter and the actual certification are appended to this notice.

Issued in Washington, D.C. August 20, 1979.

Barton R. House,

Deputy Administrator, Economic Regulatory Administration.

Appendix I

Certification by the Economic Regulatory Administration to the Federal Energy Regulatory Commission of the Use of Natural Gas for Fuel Oil Displacement by the Anchor Hocking Corporation

ERA Docket No. 79-CERT-070

Application for Certification

Pursuant to 10 CFR Part 595, Anchor Hocking Corporation (Anchor Hocking) filed an application for certification of an eligible use of up to 3,200 Mcf of natural gas per day at its glass manufacturing plant in Winchester, Indiana, with the Administrator of the Economic Regulatory Administration (ERA) on July 23, 1979. The application states that the eligible sellers of the gas are the Gas Transport, Inc. and Carl E. Smith, Inc. and that the gas will be transported by the Columbia Gas Transmission Corporation and Panhandle Eastern Pipeline Company. The application and supplemental information indicate, among other things, that the natural gas will be used to displace approximately 198,400 barrels of No. 2, No. 4, and No. 6 fuel oil (.3 to 2.7 percent sulfur) per year and that neither the gas nor the displaced fuel oil will be used to displace coal in the applicant's facilities.

Certification

Based upon a review of the information contained in the application, as well as other information available to ERA, the Administrator hereby certifies, pursuant to 10 CFR Part 595, that the use of up to 3,200 Mcf of natural gas per day at Anchor Hocking's glass manufacturing plant in Winchester, Indiana, purchased from Gas Transport, Inc. and Carl E. Smith, Inc. is an eligible use of gas within the meaning of 10 CFR Part 595.

Effective Date

This certification is effective upon the date of issuance, and expires one year from that date, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. It is effective during this period of time for the use of up to the same certified volume of natural gas at the same facilities purchased from the same eligible sellers.

Issued in Washington, D.C. on August 20, 1979.

Barton R. House,

Deputy Administrator, Economic Regulatory Administration.

[FR Doc. 79-26786 Filed 8-28-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 79-CERT-062]

Gulf States Utilities Co.,

Certification of Eligible Use of Natural Gas to Displace Fuel Oil

Gulf States Utilities Company (Gulf States) filed an application for certification of an eligible use of natural gas to displace fuel oil at its Roy S. Nelson Generating Station in Westlake, Louisiana, with the Administrator of the Economic Regulatory Administration pursuant to 10 CFR Part 595 on July 10, 1979. Notice of that application was published in the Federal Register (44 FR 45239, August 1, 1979) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The Administrator has carefully reviewed Gulf States' application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Interim-Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas for Fuel Oil Displacement (44 FR 20398, April 5, 1979). The Administrator has determined that Gulf States' application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. A copy of the transmittal letter and the actual certification are appended to this notice.

Issued in Washington, D.C. August 17, 1979.

Barton R. House,

Deputy Administrator, Economic Regulatory Administration.

Appendix I

Certification by the Economic Regulatory Administration to the Federal Energy Regulatory Commission of the Use of Natural Gas for Fuel Oil Displacement by the Gulf States Utilities Company

ERA Docket No. 79-CERT-062

Application for Certification

Pursuant to 10 CFR Part 595, Gulf States Utilities Company (Gulf States) filed an application for certification of an eligible use of up to 40,000 Mcf of natural gas per day at its Roy S. Nelson Generating Station in Westlake, Louisiana, with the Administrator of the

Economic Regulatory Administration (ERA) on July 10, 1979. The application states that the eligible sellers of the gas are the Louisiana Resources Company and the Louisiana Intrastate Gas Corporation and that the gas will be transported by the United Gas Pipeline Company. The application and supplemental information indicate, among other things, that the natural gas will be used to displace approximately 6,425 barrels of No. 6 fuel oil (.7% sulfur) per day, and that neither the gas nor the displaced fuel oil will be used to displace coal in the applicant's facilities.

Certification

Based upon a review of the information contained in the application, as well as other information available to ERA, the Administrator hereby certifies, pursuant to 10 CFR Part 595, that the use of up to 40,000 Mcf of natural gas per day at Gulf States' Roy S. Nelson Generating Station purchased from the Louisiana Resources Company and the Louisiana Intrastate Gas Corporation is an eligible use of gas within the meaning of 10 CFR Part 595.

Effective Date

This certification is effective upon the date of issuance, and expires one year from that date, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. It is effective during this period of time for the use of up to the same certified volume of natural gas at the same facilities purchased from the same eligible sellers.

Issued in Washington, D.C. on August 17, 1979.

Barton R. House,

Deputy Administrator, Economic Regulatory Administration.

[FR Doc. 79-26784 Filed 8-28-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 79-CERT-068]

PPG Industries, Inc.

Certification of Eligible Use of Natural Gas To Displace Fuel Oil

PPG Industries, Inc. (PPG) filed an application for certification of an eligible use of natural gas to displace fuel oil at its Lexington Plant, Lexington, North Carolina, and its Shelby Plant, Shelby, North Carolina, with the Administrator of the Economic Regulatory Administration pursuant to 10 CFR Part 595 on July 16, 1979. Notice of that application was published in the Federal Register (44 FR 45989, August 6, 1979) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of

publication. No comments were received.

The Administrator has carefully reviewed PPG's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Interim-Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas for Fuel Oil Displacement (44 FR 20398, April 5, 1979). The Administrator has determined that PPG's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. A copy of the transmittal letter and the actual certification are appended to this notice.

Issued in Washington, D.C., August 17, 1979.

Barton R. House,

Deputy Administrator, Economic Regulatory Administration.

Appendix I

Certification by the Economic Regulatory Administration to the Federal Energy Regulatory Commission of the Use of Natural Gas for Fuel Oil Displacement by the PPG Industries, Inc.—ERA Docket No. 79-CERT-068

Application for Certification

Pursuant to 10 CFR Part 595, PPG Industries, Inc. (PPG) filed an application for certification of an eligible use of up to 1,000 Mcf of natural gas per day at its Lexington Plant, Lexington, North Carolina, and up to 1,000 Mcf of natural gas per day at its Shelby Plant, Shelby, North Carolina, with the Administrator of the Economic Regulatory Administration (ERA) on July 16, 1979. The application states that the eligible seller of the gas is David S. Towner Enterprises and that the gas will be transported by the Columbia Gulf Transmission Company, the Columbia Gas Transmission Company, and the Transcontinental Gas Pipe Line Corporation. The application and supplemental information indicate, among other things, that the combined use of natural gas at both plants will displace approximately 3,000,000 gallons of No. 2 fuel oil (less than .5% sulfur) per year and that neither the gas nor the displaced fuel oil will be used to displace coal in the applicant's facilities.

Certification

Based upon a review of the information contained in the application, as well as other information available to ERA, the Administrator hereby certifies, pursuant to 10 CFR Part 595, that the use of up to 1,000 Mcf of natural gas per day at PPG's Lexington Plant and up to 1,000 Mcf of natural gas per day at PPG's Shelby Plant purchased from David S. Towner Enterprises is an eligible

use of gas within the meaning of 10 CFR Part 595.

Effective Date

This certification is effective upon the date of issuance, and expires one year from that date, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. It is effective during this period of time for the use of up to the same certified volumes of natural gas at the same facilities purchased from the same eligible seller.

Issued in Washington, D.C. on August 20, 1979.

Barton R. House,

Deputy Administrator, Economic Regulatory Administration.

[FR Doc. 79-20785 Filed 8-28-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 79-CERT-045]

Western Massachusetts Electric Co.

Certification of Eligible Use of Natural Gas To Displace Fuel Oil

Western Massachusetts Electric Company (Western Mass) filed an application for certification of an eligible use of natural gas to displace fuel oil at its West Springfield Station, West Springfield, Massachusetts, with the Administrator of the Economic Regulatory Administration pursuant to 10 CFR Part 595 on June 15, 1979. Notice of that application was published in the *Federal Register* (44 FR 45438, August 2, 1979) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The Administrator has carefully reviewed Western Mass' application in accordance with 10 CFR Part 595 and the policy consideration expressed in the Interim-Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas for Fuel Oil Displacement (44 FR 20398, April 5, 1979). The Administrator has determined that Western Mass' application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. A copy of the transmittal letter and the actual certification are appended to this notice.

Issued in Washington, D.C. August 17, 1979.

Barton R. House,

Deputy Administrator, Economic Regulatory Administration.

Appendix I

Certification by the Economic Regulatory Administration to the Federal Energy Regulatory Commission of the Use of Natural Gas for Fuel Oil Displacement by the Western Massachusetts Electric Co.—ERA Docket No. 79-CERT-045

Application for Certification

Pursuant to 10 CFR Part 595, Western Massachusetts Electric Company (Western Mass) filed an application for certification of an eligible use of up to 450,000 Mcf of natural gas at its West Springfield Station, West Springfield, Massachusetts, with the Administrator of the Economic Regulatory Administration (ERA) on June 15, 1979. The application states that the eligible seller of the gas is the Fitching Gas and Electric Light Company (Fitchburg) and that the gas will be transported by the Tennessee Gas Pipeline Company. The application and supplemental information indicate, among other things, that the natural gas will be used to displace approximately 73,500 barrels of No. 6 fuel oil (2.2% sulfur) from July 15, 1979–October 31, 1979 and that neither the gas nor the displaced fuel oil will be used to displace coal in the applicant's facilities.

Certification

Based upon a review of the information contained in the application, as well as other information available to ERA, the Administrator hereby certifies, pursuant to 10 CFR Part 595, that the use of up to 450,000 Mcf of natural gas at Western Mass' West Springfield Station purchased from Fitchburg is an eligible use of gas within the meaning of 10 CFR Part 595.

Effective Date

This certification is effective upon the date of issuance, and expires one year from that date, unless a shorter period of time is required by 18 CFR Part 284, Subpart F.

Issued in Washington, D.C. on August 17, 1979.

Barton R. House,

Deputy Administrator, Economic Regulatory Administration.

[FR Doc. 79-20783 Filed 8-28-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 79-CERT-073]

Consolidated Edison Co. of New York, Inc.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

Consolidated Edison Company of New York, Inc. (Con Ed) filed an application for certification of an eligible use of natural gas to displace fuel oil at six of its steam and electric generating facilities in New York City, New York, with the Administrator of the Economic Regulatory Administration

pursuant to 10 CFR Part 595 on July 24, 1979. Notice of that application was published in the Federal Register (44 FR 45988, August 6, 1979) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The Administrator has carefully reviewed Con Ed's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Interim-Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas for Fuel Oil Displacement (44 FR 20398, April 5, 1979). The Administrator has determined that Con Ed's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. A copy of the transmittal letter and the actual certification are appended to this notice.

Issued in Washington, D.C., August 20, 1979.

Barton R. House,

Deputy Administrator, Economic Regulatory Administration.

Appendix I—Certification by the Economic Regulatory Administration to the Federal Energy Regulatory Commission of the Use of Natural Gas for Fuel Oil Displacement by the Consolidated Edison Company of New York, Inc.

[ERA Docket No. 79-CERT-073]

Application for Certification

Pursuant to 10 CFR Part 595, Consolidated Edison Company of New York, Inc. (Con Ed) filed an application for certification of an eligible use of up to 10,000 dekatherms of natural gas per day at six of its steam and electric generating facilities in New York City, New York, with the Administrator of the Economic Regulatory Administration (ERA) on July 24, 1979. The application states that the eligible seller of the gas is UGI Corporation and that the gas will be transported by the Texas Eastern Transmission Corporation, the Consolidated Gas Supply Corporation and the Transcontinental Gas Pipeline Corporation. The application and supplemental information indicate, among other things, that the natural gas will be used to displace approximately 483,000 barrels of residual fuel oil (.3% sulfur) from July 1, 1979–June 1, 1980 and that neither the gas nor the displaced fuel oil will be used to displace coal in the applicant's facilities.

Certification

Based upon a review of the information contained in the application, as well as other information available to ERA, the Administrator hereby certifies, pursuant to 10 CFR Part 595, that the use of up to 10,000 dekatherms of natural gas per day at Con Ed's Astoria, East River, Narrows,

Ravenswood, Waterside, and 60th Street steam and electric generating facilities purchased from UGI Corporation is an eligible use of gas within the meaning of 10 CFR Part 595.

Effective Date

This certification is effective upon the date of issuance, and expires one year from that date, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. It is effective during this period of time for the use of up to the same certified volume of natural gas at the same facilities purchased from the same eligible seller.

Issued in Washington, D.C. on August 20, 1979.

Barton R. House,

Deputy Administrator, Economic Regulatory Administration.

[FR Doc. 79-28787 Filed 8-28-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA-R79-40]

Inquiry Regarding Prescription of Voluntary Guidelines for Solar Energy and Renewable Resources Respecting the Federal Standards Under the Public Utility Regulatory Policies Act of 1978

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Inquiry.

SUMMARY: On June 20, 1979, the President directed the Department of Energy (DOE) to develop and publish within 120 days voluntary guidelines, applying specifically to solar energy and renewable resources, for the ratemaking and other regulatory policy standards established under Title I of the Public Utility Regulatory Policies Act of 1978 (PURPA). This Notice is intended to solicit public comments for consideration by DOE in developing these guidelines.

DATES: Comments must be received by September 28, 1979.

ADDRESS: All comments should be forwarded to: Office of Public Hearings Management, Department of Energy, 2000 M Street, NW. (Room 2313), Docket ERA-R-79-40, Washington, D.C. 20461. Ten (10) copies of each should be submitted.

FOR FURTHER INFORMATION CONTACT:

Dr. Stephen S. Skjel, Office of Utility Systems, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W. (Room 4016), Washington, D.C. 20461, Telephone: (202) 254-8209.

Mary Ann Masterson, Department of Energy, Office of the General Counsel, 20 Massachusetts Avenue, N.W. Room 3224, Washington, D.C. 20585.

SUPPLEMENTARY INFORMATION:

I. Background

On June 20, 1979, the President directed DOE to develop and publish within 120 days voluntary guidelines, applying specifically to solar energy and renewable resources, for the eleven standards established in the Public Utility Regulatory Policies Act of 1978 (PURPA), Pub. L. 95-617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*). Solar energy is broadly defined in the President's Domestic Policy Review of Solar Energy (DPR) to be energy received from the sun directly in the form of radiant energy, and indirectly in the form of stored radiant energy in biomass (i.e., wood, vegetation and organic solid wastes), heated surface waters, the potential and kinetic energy of water elevated via the hydrological cycle, and the kinetic energy of the wind.

The eleven standards, established by sections 111(d) and 113(b) of PURPA, relate to ratemaking and other regulatory policy matters. The standards generally provide that:

(1) Rates to each class of consumer shall be designed to the maximum extent practicable to reflect the costs of providing service to that class;

(2) Declining block energy charges that are not cost-based shall be eliminated;

(3) Time-of-day rates shall be established, if cost-effective were costs vary by time of day;

(4) Seasonal rates shall be established where costs vary by season;

(5) Interruptible rates based on the costs of providing interruptible service shall be offered to commercial and industrial customers;

(6) Load management techniques shall be offered to consumers where practicable, cost-effective, reliable and useful to the utility for energy or capacity management;

(7) Master metering shall be prohibited or restricted for new buildings to the extent necessary to carry out the purposes of Title I of PURPA;

(8) Automatic adjustment clauses shall not be allowed unless they provide efficiency incentives and are reviewed in a timely manner;

(9) All consumers shall receive and clear and concise explanation of applicable rate schedules;

(10) Service shall not be terminated except pursuant to certain enumerated procedures; and

(11) Political or promotional advertising shall not be charged to ratepayers.

PURPA requires each State regulatory authority and certain nonregulated electric utilities to consider the

standards within the time frames, procedures and other requirements established by PURPA. Section 131 of PURPA gives the Secretary of Energy the authority to prescribe voluntary guidelines respecting consideration of the standards. DOE has [recently] issued a Notice of Intent setting forth, among other things, its intentions with respect to the exercise of its authority under PURPA to promulgate voluntary guidelines for the standards.

In light of the President's directive and the determinations set forth in the Notice of Intent, DOE is issuing this Notice of Inquiry to solicit public comments for consideration by DOE in developing guidelines for applying the PURPA standards to solar energy and renewable resources.

II. Comments on Issues Relating to Voluntary Guidelines for Solar/Renewable Resource Applications

Interested persons are invited to participate in this inquiry by submitting data, views or arguments on any aspect of developing guidelines for solar and renewable resources. DOE, however, specifically invites comment on the following questions:

Is the definition of solar energy in the DPR appropriate as a definition of "solar and renewable resources" for the purposes of the guidelines?

What factors should be considered by a regulatory body in determining cost-of-service for solar/renewable resource customers?

What factors should be considered by a regulatory body in assessing the impact of solar/renewable resource loads on other customers?

Should customers with solar/renewable resource assisted end-use loads be treated as a separate tariff class?

What factors should be considered by a regulatory body in assessing the impact of time-of-day, seasonal interruptible and declining block rates on solar/renewable resource customers?

What factors should be considered by a regulatory body in assessing the use of solar/renewable devices for load management?

What factors should be considered by a regulatory body in assessing the impact of master metering on solar/renewable resource applications in multi-occupant facilities?

What other factors pertinent to solar/renewable resource applications should be addressed in the guidelines?

What interrelationships between these factors are significant enough to merit inclusion in the guidelines?

III. Development and Publication Procedures

All comments should be sent to the Office of Public Hearings Management, Department of Energy, 2000 M Street, NW., Room 2313, Docket Number ERA-R-79-40, Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on the document with the designation "Solar Guidelines, Docket No. ERA-R-79-40." Ten copies should be submitted.

All comments received by DOE by September 28, 1979, and all other relevant information, will be considered by DOE in the development of the guidelines. All comments received by DOE will be retained by DOE and made available for inspection in the DOE Reading Room, Room GA-152, James Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Pursuant to the provisions of 10 CFR 1004.11, any person submitting information which he or she believes to be confidential and which may be exempt by law from public disclosure should submit one complete copy, and ten copies from which information claimed to be confidential has been deleted. In accordance with the procedures established at 10 CFR 1004.11, DOE shall make its own determination with regard to any claim that information submitted be exempt from public disclosure.

DOE plans to issue proposed solar and renewable resource voluntary guidelines for public comment by October 15, 1979. The guidelines will be published in the *Federal Register* for comment and a public hearing will be

held in Washington, D.C. The date for this public hearing will be announced in the preamble to the proposed guidelines. The final voluntary guidelines will be published in the *Federal Register* and will also be mailed directly to State regulatory authorities and nonregulated and regulated electric utilities covered by Title I of PURPA.

(Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617 (16 U.S.C. 2601 et seq.); Department of Energy Organization Act, Pub. L. 95-91 (42 U.S.C. 7101 et seq.))

Issued in Washington, D.C., on August 22, 1979.

Richard E. Weiner,
Assistant Administrator for Utility Systems,
Economic Regulatory Administration.

[FR Doc. 79-26910 Filed 8-28-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case No. 50653-2490-01-82, 50653-2490-02-82]

Consolidated Edison Co. of New York, Inc., Issuance of Proposed Prohibition Order

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice pursuant to Section 701(b) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), 42 U.S.C. 8301 et seq., of the issuance of the following proposed prohibition order which would prohibit the powerplants named below from burning natural gas or petroleum as their primary energy source.

Proposed Prohibition Order

Pursuant to the authorities granted it by Section 301(b) of FUA, ERA issues this proposed prohibition order to the following powerplants owned by the Consolidated Edison Company of New York, Inc. (Con Ed).

ERA No.	Generating station	Powerplant No.	mW	Location
50653-2490-01-82	Arthur Kill	20	395	Staten Island, New York.
50653-2490-02-82	Arthur Kill	30	491	Staten Island, New York.

Statement of Basis and Rationale for Proposed Prohibition Order

ERA has issued regulations applicable to existing facilities (Regulations) 10 CFR Part 504, to implement the prohibitions contained in Section 301(b)

of Title III of FUA. Section 504.5 of the regulations sets forth the basis upon which ERA will propose to prohibit by order the use of natural gas or petroleum as a primary energy source by a

powerplant where ERA finds that the powerplant has or previously had the technical capability to use an alternate fuel as a primary energy source.

Con Ed reported to the Federal Energy Regulatory Commission (FPC Form 67), for year ending December 31, 1978, that Arthur Kill 20 and 30 burned 13,643 barrels of oil per day (4,980,000 barrels annually) which represents the potential oil displacement in converting Arthur Kill to an alternate fuel.

Finding of Technical Capability

In accordance with Section 301(b) of Title III of FUA, this proposed order is based on a finding by ERA that Con Ed's Arthur Kill powerplants 20 and 30 have or previously had the technical capability to use an alternate fuel (coal) as a primary energy source. This finding is based upon the following facts obtained from Con Ed:

(1) The boilers at Arthur Kill 20 and 30 were designed and constructed to burn coal as a primary energy source; and

(2) Arthur Kill burned coal during 1971.

The finding is also based upon information provided by Con Ed to ERA at a meeting in New York on July 5, 1979. In addition, Con Ed reported to the Federal Energy Regulatory Commission (FPC Form 67) that it burned coal at Arthur Kill 20 and 30 during 1971.

The technical capability finding is made in accordance with the requirements of Section 504.5(d) of the Regulations, taking into consideration the ability of the units, from the point of fuel intake, to physically sustain combustion of coal and maintain heat transfer as evidenced by the burning of coal at Arthur Kill during 1971. This finding recognizes, in accordance with Section 504.5(d), that the Arthur Kill units 20 and 30 are capable of burning coal, notwithstanding any required refurbishment of plant equipment in order to burn coal as a primary energy source in the units, or any required installation of air pollution control equipment to meet air quality standards.

Other Required Findings

Section 301(b) of FUA states that prior to the issuance of a final prohibition order ERA must also find that (1) the powerplant has the technical capability to use coal or another alternate fuel as a primary energy source, or it could have such capability without (A) substantial modification of the powerplant or (B) substantial reduction in the rated capacity of the powerplant; and (2) it is financially feasible for the powerplant to use coal or another alternate fuel as its primary energy source in such powerplant.

Proposed Prohibition Under Title III of FUA

Subject to the other required findings that ERA must make, ERA hereby proposes to prohibit Con Ed's Arthur Kill powerplants 20 and 30 from burning petroleum or natural gas as their primary energy source.

Description of Prohibition Order Proceedings

Pursuant to Section 301 of the FUA, ERA has promulgated regulations applicable to the issuance of prohibition orders to existing facilities, a summary of which follows:

(1) ERA has performed its initial information gathering with respect to the question of technical capability to burn alternate fuels (coal) and has informed Con Ed that it is considering issuance of a proposed prohibition order. ERA has also had informal discussions with Con Ed concerning the issuance of a proposed prohibition order.

(2) ERA has made a finding that Con Ed's Arthur Kill 20 and 30 powerplants have or previously had the technical capability of using coal as their primary energy source. ERA is publishing this finding and proposed prohibition order in the *Federal Register* as required by Section 701(b) of FUA. In accordance with Section 301(b) of FUA, the proposed prohibition order is not required to contain, at this point in the proceeding, the other pertinent findings that ERA must make before a final prohibition order can be issued. These are (1) that the powerplant has the technical capability to use coal or another alternate fuel as a primary energy source, or it could have such capability without (A) substantial physical modification of the powerplant, or (B) substantial reduction in the rated capacity of the powerplant; and (2) that it is financially feasible for Con Ed to use coal or another alternate fuel as a primary energy source in such powerplant.

(3) After publication of this proposed order, a three-month comment period will commence, during which Con Ed will be given an opportunity to challenge ERA's initial finding of technical capability, and to present evidence relevant to financial feasibility. During this three-month public comment period, ERA will request that Con Ed furnish it with such additional evidence as is necessary to enable ERA to make the other statutory findings set forth above, which are required to be made by ERA prior to issuance of a final prohibition order. Con Ed will also be required, during this period, to identify, but not to

demonstrate its entitlement to, any exemptions for which the unit in question may qualify.

(4) Subsequent to the end of the three-month comment period, ERA will issue a notice of whether ERA intends to proceed with the prohibition order proceeding. Within three months of the issuance of the notice of intention to proceed with the prohibition order, an owner or operator of a powerplant that may be subject to an order may demonstrate prior to issuance of a final prohibition order that the powerplant would qualify for an exemption if the prohibition had been established by rule.

(5) Subsequent to the end of the second three month period, ERA will, if it intends to issue a final prohibition order, prepare and publish notice of availability of a tentative staff decision.

(6) Under the provisions of Section 701(d) of FUA, any interested person may request a public hearing on the proposed prohibition order and tentative staff decision. Interested persons wishing a hearing must request a hearing within 45 days after publication of the notice of availability of the tentative staff decision. If a hearing has been requested, ERA shall provide interested persons with an opportunity to present oral data, views and arguments at a public hearing held in accordance with Subpart C of 10 CFR Part 501.

(7) At the hearing, if any, interested persons will have the opportunity to question the parties about ERA's proposed order and tentative staff decision, Con Ed's showing on exemptions and rebuttal of ERA's proposed order, and ERA's rebuttal to any showing of potential qualification for exemption.

(8) After the hearing, if any, and comment period, ERA shall determine whether a final prohibition order will be issued based upon a review of the entire administration record. A final prohibition order, if issued, will be published in the *Federal Register*. Final orders become effective sixty days after publication.

Comment and Public Hearing Procedures

ERA hereby also gives notice of the opportunity to submit written comments, views, and arguments by interested persons regarding this proposed prohibition order. Comments need not be limited to ERA's technical capability finding, but may include a discussion of all three statutory findings.

The initial comment period shall remain open until November 27, 1979. Comments should make reference to the

docket number set forth in this notice and proposed order. Comments should address the adequacy and validity of the findings and any other aspects or impacts of the proposed prohibition order believed to be relevant. Written comments on the proposed prohibition order should be directed to Public Hearing Management (Case Nos. 50653-2490-01-82 and 50653-2490-02-82), U.S. Department of Energy, Box 4629, Room 3214, 2000 M Street, N.W., Washington, D.C. 20461, and should be received before 4:30 p.m. on November 30, 1979.

In accordance with 10 CFR 501.34, any interested person may request a public hearing on the proposed order. The request must include a description of the person's interest in the proposed prohibition order, an outline of the anticipated content of the presentation to be made at the public hearing, and an address and telephone where the person requesting the public hearing may be reached.

Comments and other documents submitted to DOE Public Hearing Management should be identified on the outside of the envelope in which they are transmitted and on the document itself with the designation "Proposed Prohibition Order for the Arthur Kill Powerplants." Fifteen copies should be submitted. All written comments, all oral presentations, and all other relevant information submitted to or available to ERA will be considered by ERA. Any information or data considered to be confidential by the person furnishing it must be so identified in writing in accordance with 10 CFR 303.9(f). ERA reserves the right to determine the confidential status of the information or data and to treat it in accordance with that determination.

FOR FURTHER INFORMATION CONTACT:

William L. Webb (Office of Public

Information), Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B-110, Washington, D.C., 20461, (202) 634-2170.
Robert L. Davies (Fuels Conversion-Program Office), Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 3128L, Washington, D.C. 20461, (202) 254-7442.
G. Randolph Comstock (Office of General Counsel), Department of Energy, 12th & Pennsylvania Avenue, N.W., Room 7134, Washington, D.C., 20461, (202) 633-8820.

Issued in Washington, D.C., August 22, 1979.

Robert L. Davies,

Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-28789 Filed 8-28-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case No. 50653-2500-01-82, 50653-2500-02-82]

Consolidated Edison Co. of New York, Inc.; Issuance of Proposed Prohibition Order 1978

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice pursuant to Section 701(b) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), 42 U.S.C. 8301 et seq., of the issuance of the following proposed prohibition order which would prohibit the powerplants named below from burning natural gas or petroleum as their primary energy source.

Proposed Prohibition Order

Pursuant to the authorities granted it by Section 301(b) of FUA, ERA issues this proposed prohibition order to the following powerplants owned by the Consolidated Edison Company of New York, Inc. (Con Ed).

technical capability to use an alternate fuel as a primary energy source.

Con Ed reported to the Federal Energy Regulatory Commission (FPC Form 67), for year ending December 31, 1978, that Ravenswood 30N and 30S burned 7,937 barrels of oil per day (2,897,000 barrels annually) which represents the potential oil displacement in converting Ravenswood to an alternate fuel.

Finding of Technical Capability

In accordance with Section 301(b) of Title III of FUA, this proposed order is based on a finding by ERA that Con Ed's Ravenswood powerplants 30N and 30S have or previously had the technical capability to use an alternate fuel (coal) as a primary energy source. This finding is based upon the following facts obtained from Con Ed:

(1) The boilers at Ravenswood 30N and 30S were designed and constructed to burn coal as a primary energy source; and

(2) Ravenswood burned coal during 1971.

The finding is also based upon information provided by Con Ed to ERA at a meeting in New York on July 5, 1979. In addition, Con Ed reported to the Federal Energy Regulatory Commission (FPC Form 67) that it burned coal at Ravenswood 30N and 30S during 1971.

The technical capability finding is made in accordance with the requirements of Section 504.5(a) of the Regulations, taking into consideration the ability of the units, from the point of fuel intake, to physically sustain combustion of coal and maintain heat transfer as evidenced by the burning of coal at Ravenswood during 1971. This finding recognizes, in accordance with Section 504.5(d), that the Ravenswood units 30N and 30S are capable of burning coal, notwithstanding any required refurbishment of plant equipment in order to burn coal as a primary energy source in the units, or any required installation of air pollution control equipment to meet air quality standards.

Other Required Findings

Section 301(b) of FUA states that prior to the issuance of a final prohibition order ERA must also find that (1) the powerplant has the technical capability to use coal or another alternate fuel as a primary energy source, or it could have such capability without (A) substantial modification of the powerplant or (B) substantial reduction in the rated capacity of the powerplant; and (2) it is financially feasible for the powerplant

Statement of Basis and Rationale for Proposed Prohibition Order

ERA has issued regulations applicable to existing facilities (Regulations) 10 CFR Part 504, to implement the prohibitions contained in Section 301(b) of Title III of FUA. Section 504.5 of the

regulations sets forth the basis upon which ERA will propose to prohibit by order the use of natural gas or petroleum as a primary energy source by a powerplant where ERA finds that the powerplant has or previously had the

ERA No.	Generating station	Powerplant No.	mW	Location
50653-2500-01-82	Ravenswood	30N	464	Queens, N.Y.
50653-2500-02-82	Ravenswood	30S	464	Queens, N.Y.

to use coal or another alternate fuel as its primary energy source in such powerplant.

Proposed Prohibition Under Title III of FUA

Subject to the other required findings that ERA must make, ERA hereby proposes to prohibit Con Ed's Ravenswood powerplants 30N and 30S from burning petroleum or natural gas as their primary energy source.

Description of Prohibition Order Proceedings

Pursuant to Section 301 of FUA, ERA has promulgated regulations applicable to the issuance of prohibition orders to existing facilities, a summary of which follows:

(1) ERA has performed its initial information gathering with respect to the question of technical capability to burn alternate fuels (coal) and has informed Con Ed that it is considering issuance of a proposed prohibition order. ERA has also had informal discussions with Con Ed concerning the issuance of a proposed prohibition order.

(2) ERA has made a finding that Con Ed's Ravenswood 30N and 30S powerplants have or previously had the technical capability of using coal as their primary energy source. ERA is publishing this finding and proposed prohibition order in the **Federal Register** as required by Section 701(b) of FUA. In accordance with Section 301(b) of FUA, the proposed prohibition order is not required to contain, at this point in the proceeding, the other pertinent findings that ERA must make before a final prohibition order can be issued. These are (1) that the powerplant has the technical capability to use coal or another alternate fuel as a primary energy source, or it could have such capability without (A) substantial physical modification of the powerplant, or (B) substantial reduction in the rated capacity of the powerplant, and (2) that it is financially feasible for Con Ed to use Coal or another alternate fuel as a primary energy source in such powerplant.

(3) After publication of this proposed order, a three-month comment period will commence, during which Con Ed will be given an opportunity to challenge ERA's initial finding of technical capability, and to present evidence relevant to financial feasibility. During this three-month public comment period, ERA will request that Con Ed furnish it with such additional evidence as is necessary to enable ERA to make the other statutory findings set forth above, which are required to be made by ERA prior to

issuance of a final prohibition order. Con Ed will also be required, during this period, to identify, but not to demonstrate its entitlement to, any exemptions for which the unit in question may qualify.

(4) Subsequent to the end of the three-month comment period, ERA will issue a notice of whether ERA intends to proceed with the prohibition order proceeding. Within three months of the issuance of the notice of intention to proceed with the prohibition order, an owner or operator of a powerplant that may be subject to an order may demonstrate prior to issuance of a final prohibition order that the powerplant would qualify for an exemption if the prohibition had been established by rule.

(5) Subsequent to the end of the second three month period, ERA will, if it intends to issue a final prohibition order, prepare and publish notice of availability of a tentative staff decision.

(6) Under the provisions of Section 701(d) of FUA, any interested person may request a public hearing on the proposed prohibition order and tentative staff decision. Interested persons wishing a hearing must request a hearing within 45 days after publication of the notice of availability of the tentative staff decision. If a hearing has been requested, ERA shall provide interested persons with an opportunity to present oral data, views and arguments at a public hearing held in accordance with Subpart C of 10 CFR Part 501.

(7) At the hearing, if any, interested persons will have the opportunity to question the parties about ERA's proposed order and tentative staff decision, Con Ed's showing on exemptions and rebuttal of ERA's proposed order, and ERA's rebuttal to any showing of potential qualification for exemption.

(8) After the hearing, if any, and comment period, ERA shall determine whether a final prohibition order will be issued based upon a review of the entire administrative record. A final prohibition order, if issued, will be published in the **Federal Register**. Final orders become effective sixty days after publication.

Comment and Public Hearing Procedures

ERA hereby also gives notice of the opportunity to submit written comments, views, and arguments by interested persons regarding this proposed prohibition order. Comments need not be limited to ERA's technical capability finding, but may include a discussion of all three statutory findings.

The initial comment period shall remain open for a period of 90 days after publication of this proposed order in the **Federal Register** (November 27, 1979). Comments should make reference to the docket numbers set forth in this notice and proposed order. Comments should address the adequacy and validity of the findings and any other aspects or impacts of the proposed prohibition order believed to be relevant. Written comments on the proposed prohibition order should be directed to Public Hearing Management (Case Nos. 50653-2500-01-82 and 50653-2500-02-82), U. S. Department of Energy, Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461, and should be received before 4:30 p.m. on November 30, 1979.

In accordance with 10 CFR 501.34, any interested person may request a public hearing on the proposed order. The request must include a description of the person's interest in the proposed prohibition order, an outline of the anticipated content of the presentation to be made at the public hearing, and an address and telephone where the person requesting the public hearing may be reached.

Comments and other documents submitted to DOE Public Hearing Management should be identified on the outside of the envelope in which they are transmitted and on the document itself with the designation "Proposed Prohibition Order for the Ravenswood Powerplants." Fifteen copies should be submitted. All written comments, all oral presentations, and all other relevant information submitted to or available to ERA will be considered by ERA. Any information or data considered to be confidential by the person furnishing it must be so identified in writing in accordance with 10 CFR 303.9(r). ERA reserves the right to determine the confidential status of the information or data and to treat it in accordance with that determination.

FOR FURTHER INFORMATION CONTACT:

William L. Webb (Office of Public Information), Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room B-110, Washington, D.C. 20461, (202) 634-2170.
Robert L. Davies (Fuels Conversion-Program Office), Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room 3128L, Washington, D.C. 20461, (202) 254-7442.
G. Randolph Comstock (Office of General Counsel), Department of Energy, 12th & Pennsylvania Avenue, NW., Room 7134, Washington, D.C. 20461, (202) 633-8820.

Issued in Washington, D.C., August 22, 1979.

Robert L. Davies,

Acting Assistant Administrator, Office of
Fuels Conversion, Economic Regulatory
Administration.

[FR Doc. 79-26070 Filed 8-28-79; 8:45 am]

BILLING CODE 6450-01-M

Designation of Inactive Uranium Mill Tailings Sites for Remedial Action

Correction

In FR Doc. 79-25431 appearing on page 48319 in the issue of Friday, August 17, 1979, second column, first line of the third paragraph, insert "not" after "do".

BILLING CODE 1505-01-M

Proposed Subsequent Arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of proposed "subsequent arrangements" under the Agreements for Cooperation Between the Government of the United States of America and the Government of Thailand and with the International Atomic Energy Agency, and the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy.

The subsequent arrangements to be carried out under the above mentioned agreements involve conversion of Long-Term, Fixed-Commitment Uranium Enrichment contracts to the new Adjustable, Fixed-Commitment contracts at the customers option.

Contract No.	Customer	Facility
TH-100.....	Electricity Generating Authority of Thailand.	Ao-Phai-Nuc-1.
YU-100.....	Savske Elektrane Ljubljana and Elektroprivreda Zagreb.	KRSKO-1.
EU-106.....	European Atomic Energy Community.	ENEL-II.
EU-149.....	European Atomic Energy Community.	Netherlands III.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the conversion of these contracts to the Adjustable, Fixed-Commitment contract form will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the publication of this notice.

For the Department of Energy.

Dated: August 24, 1979.

Robert N. Slawson,

Acting Director for Nuclear Affairs,
International Nuclear and Technical
Programs.

[FR Doc. 79-27050 Filed 8-28-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1306-8]

Water Quality/Water Allocation Coordination Study; Draft Report

Notice is hereby given that a draft report to Congress, entitled "Water Quality/Water Allocation Coordination Study" is available for review.

The draft report, prepared in response to Section 102(d) of the Clean Water Act, analyzes the relationship between water quality programs under this Act and State and Federal water allocation programs. The report includes a discussion of the legislative background, a summary of the Clean Water Act, and a summary of the State and Federal water allocation programs. The analysis of quality/quantity relationships and conflicts focuses on four major issue areas: (1) instream flow; (2) irrigated agriculture; (3) consumptive waste treatment technologies; and (4) ground water and surface water relationships. Draft alternatives and recommendations to Congress are also presented.

EPA encourages written comments on the draft report. Comments will be accepted until close of business November 1, 1979. The draft report will be available from the Project Officer, Jerry Kotas, Environmental Protection Agency, Water Planning Division (WH-554), Washington, D.C. 20460 (202-426-2474).

Dated: August 23, 1979.

Thomas C. Jorling,

Assistant Administrator for Water and Waste
Management.

[FR Doc. 79-27003 Filed 8-28-79; 8:45 am]

BILLING CODE 6580-01-M

[PF-148; FRL 1307-1]

Pesticide Programs; Filing of Pesticide Petition

Phostoxin Sales, Inc., 2221 Poplar Blvd., Alhambra, CA 91802, has submitted a petition (PP 9F2239) to the Environmental Protection Agency (EPA) which proposes that 40 CFR 180.225 be amended by establishing a tolerance for residues of the fumigant phosphine in or on the raw agricultural commodity sesame seed at 0.1 part per million (ppm) resulting from postharvest

treatment of the commodity with aluminum phosphide. The proposed analytical method for determining residues is a modification of the procedures of R. B. Bruce, et al., J. Agri. and Food Chem. 10, 18-21, 1962, in which the phosphine residues is oxidized by bromine to phosphate and determined colorimetrically. Notice of this submission is given pursuant to the provisions of section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this petition. Comments may be submitted, and inquiries directed, to Product Manager (PM) 16, Room E-343, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M St., SW, Washington, DC 20460, telephone number 202/426-9458. Written comments should bear a notation indicating the petition number "PP 9F2239". Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the Product Manager's office from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

Dated: August 22, 1979.

Herbert S. Harrison,

Acting Director, Registration Division.

[FR Doc. 79-27002 Filed 8-28-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1307-2]

General Motors Corp.; Pontiac, Mich.; Final Determination

In the matter of the applicability of Title I, Part C of the Clean Air Act (Act), as amended, 42 U.S.C. 7401 *et seq.*, and the Federal regulations promulgated thereunder at 40 CFR 52.21 (43 FR 26388, June 19, 1978) for Prevention of Significant Deterioration of Air Quality (PSD), to General Motors Corporation (GMC), Central Foundry Division, Pontiac, Michigan.

On November 19, 1979, GMC, Central Foundry Division submitted an application to the United States Environmental Protection Agency (U.S. EPA), Region V office, for an approval to expand the rated melting capacity of the two existing grey iron cupolas. The application was submitted pursuant to the regulations for PSD.

On December 19, 1979, GMC Central Foundry Division was notified that its application was complete and preliminary approval was granted.

On May 9, 1979, U.S. EPA published notice of its decision to grant a preliminary approval to Martin Marietta

Aggregates. No comments or requests for a public hearing were received.

After review and analysis of all materials submitted by GMC, Central Foundry Division, the Company was notified on November 24, 1978, that U.S. EPA had determined that the proposed new construction in Pontiac, Michigan, would be utilizing the best available control technology and that emissions from the facility will not adversely impact air quality, as required by Section 165 of the Act.

This approval to construct does not relieve GMC, Central Foundry Division of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State and local requirements.

This determination may now be considered final agency action which is locally applicable under Section 307(b)(1) of the Act and therefore a petition for review may be filed in the U.S. Court of Appeals for the Seventh Circuit by any appropriate party. In accordance with Section 307(b)(1), petition for review must be filed sixty days from the date of this notice.

For further information contact Eric Cohen, Chief, Compliance Section, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604. (312) 353-2090.

Dated: August 14, 1979.

John McGuire,

Regional Administrator, Region V.

In the Matter of General Motors Corporation, Central Foundry Division, Pontiac, Michigan.

Proceeding Pursuant to the Clean Air Act as amended. Approval to Construct EPA-5-A-79-18

Authority

The approval to construct is issued pursuant to the Clean Air Act, as amended, 42 U.S.C. 7401 et seq., (the Act), and the Federal regulations promulgated thereunder at 40 CFR 52.21 for the Prevention of Significant Deterioration of Air Quality (PSD).

Findings

1. The General Motors Corporation (GMC) proposes to expand the rated melting capacity of the two existing grey iron cupolas from 35 tons to 45 tons hourly, at their Central Foundry Division in Pontiac, Michigan.

2. The proposed modification of the two cupolas is subject to the requirements of 40 CFR 52.21 and the applicable sections of the Act.

3. GMC submitted a completed PSD application on December 19, 1978. On May 9, 1979, notice was published in the Oakland Press seeking comments from the public and giving an opportunity to request a public

hearing on the application and U.S. EPA's review and preliminary determination to approve construction of the above-cited source. No comments or requests for a public hearing were received.

4. After a thorough review of all the materials submitted by GMC, U.S. EPA has determined that emissions from the increased rated melting capacity of the two cupolas will not violate the National Ambient Air Quality Standards nor violate the air quality increments.

5. GMC presently utilizes high energy scrubbers and an afterburning system to control particulate matter and carbon monoxide respectively. GMC proposes to retain these controls subsequent to the modification. The scrubber would be operated at a pressure drop in excess of 100 inches w.g. The gases would be heated to approximately 1350°F. in the upper stack with a retention time of not less than 0.3 seconds. The control systems as outlined represent best available control technology (BACT).

6. A screening analysis indicated that the actual increases in ground level concentration for particulate matter would be insignificant. For carbon monoxide, the one hour concentration would be approximately 2 micrograms per cubic meter (ug/m³). The increase is small compared to the national ambient air quality standards which are 10 and 40 ug/m³ for 8-hour and 24-hour averages, respectively.

Conditions

7. The particulate matter emission rate from each of the two cupolas shall not exceed 0.47 pounds per ton of any metal charged.

8. Visible emissions shall be limited to an opacity of not greater than 20 percent.

9. Input feed to the cupolas shall cease immediately upon initiation of collector or afterburner bypass or malfunction. Input feed to the cupolas shall not be restarted until the collectors and afterburners are back on line and operating properly.

10. GMC shall install, operate and maintain a temperature sensor in the upper stack of the cupolas. The sensor shall be connected to an audiovisual system that will monitor and indicate and afterburner malfunction whenever the temperature drops below 1350°F.

11. Any such incidence of malfunction in excess of 15 minutes shall be reported within 10 calendar days to the Director, Enforcement Division, U.S. EPA, Region V, 230 South Dearborn, Chicago, Illinois 60604.

12. This report shall include the corrective measures taken, an estimate of the emissions, duration of time of the malfunction and an estimate of the impact on air quality.

13. GMC shall not cause or permit to be discharged into the atmosphere any visible fugitive dust emissions from any operation associated with these cupolas, or building enclosing these operations. A visible fugitive dust emission of density not greater than 10 percent opacity may be emitted for not more than 2 minutes in any 60 minute period. This includes charging, tapping, pouring, casting and shakeout.

Approval

14. This approval to construct does not relieve GMC of the responsibility to comply

with the control strategy and all local, State and Federal regulations which are part of the applicable Implementation Plan, as well as other applicable local, State and Federal requirements.

15. This approval is effective immediately. This approval to construct shall become invalid, if construction or expansion is not commenced within 18 months after receipt of this approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified. Notification shall be made to U.S. EPA 5 days after construction is commenced.

16. A copy of this approval has been forwarded for public inspection to the Pontiac Public Library, 60 East Pike, Pontiac, Michigan 48058.

17. In addition, the United States Court of Appeals for the D.C. Circuit has issued a ruling in the case of *Alabama Power Co. vs. Douglas M. Costle* (78-1006 and consolidated cases) which has significant impact on the EPA Prevention of Significant Deterioration (PSD) program and approvals issued thereunder. Although the court has stayed its decision pending resolution of petitions for reconsideration, it is possible that the final decision will require modification of the PSD regulations and could affect approvals issued under the existing program. Examples of potential impact areas include the scope of Best Available Control Technology (BACT), source applicability, the amount of increment available (baseline definition), and the extent of preconstruction monitoring that a source may be required to perform. The applicant is hereby advised that this approval may be subject to reevaluation as a result of the final court decision and its ultimate effect.

Dated: July 25, 1979.

John McGuire,

Regional Administrator.

[FR Doc. 79-27001 Filed 8-28-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180352; FRL 1307-8]

Crisis Exemption To Use Acephate To Control Citrus Blackfly on Citrus

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Notice of temporary crisis exemption.

SUMMARY: EPA gives notice that the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, (hereafter referred to as the "Applicant") has availed itself of a crisis exemption to use acephate to control the citrus blackfly on approximately 1,200 acres of citrus in Lee County, Florida. Since treatment was expected to exceed fifteen days, the Applicant submitted a request for a specific exemption for continuation of this use of acephate.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room: E-124, Washington, D.C. 20460, Telephone: 202/426-0223. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: The citrus blackfly (*Aleurocanthus woglumi*) poses a serious threat to the United States citrus production. According to the Applicant, an outbreak of the citrus blackfly was located, identified, and confirmed in the Bonita Springs area of Lee County, Florida. There are no pesticides registered or other means of control presently available to control or eradicate the citrus blackfly. The Applicant claimed that the time element regarding commencement of applications of acephate was so critical that sufficient time was not available to request a specific exemption.

Acephate was used at the rate of 0.5 pound active ingredient (a.i.) per 100 gallons of water applied to wet the foliage thoroughly, using hydraulic sprayers. Continuing treatment will be made using acephate and/or malathion. Malathion is registered for use on citrus, but not for control of the blackfly. The following methods and rates to host trees scattered throughout the urban areas will be used:

1. Three applications of acephate (0.5 pound a.i. in 100 gallons of water) sprayed to the point of run-off, using hydraulic equipment; or
2. Three applications of acephate (1.0 pound a.i. per 100 gallons of water) sprayed throughout, using backpack mist blowers. Applications will not exceed 21-day intervals or 3 pounds a.i. per acre per year; and
3. Repeat applications of malathion at 20 ounces a.i. per 100 gallons of water applied to run-off, using hydraulic sprayers, or 40 ounces a.i. per 100 gallons of water using backpack mist blowers. Malathion may be used where additional treatments are required following applications of acephate, and where potential residues may be a problem, or phytotoxicity or other problems may exist from the use of acephate.

The Applicant stated that all pesticidal applications will be made under the supervision of personnel who meet or exceed the requirements of "knowledgeable experts." The Applicant anticipated that no adverse

effects to man or the environment would occur from this use of acephate. The Applicant advised that all applicable precautions on the EPA-registered labels will be followed and that residents in the treatment area will be notified and procedures implemented to protect pets and livestock.

Since treatment is to exceed fifteen days, the Applicant has submitted a request for a specific exemption for continuation of this program.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).)

Dated: August 21, 1979.

James M. Conlon,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-26996 Filed 8-28-79; 8:45 am]

BILLING CODE 6560-01-M

[Docket No. 407]

Herbicides: Dinitro Technical and Ancrack Herbicide

[FRL 1307-6]

On November 1, 1978, the Assistant Administrator for Toxic Substances published (43 FR No. 212 at 5095-66) Notice of Intent to Hold a Hearing pursuant to Sec. 6(b) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, to determine whether the registrations of the herbicides Dinitro Technical, EPA Reg. No. 148-213, and Ancrack Herbicide, EPA Reg. No. 19713-23, should be cancelled. The Notice was in response to petitions, dated August 8, 1977 and March 29, 1978, wherein The Dow Chemical Company (Dow) petitioned the Administrator to cancel the registrations of Dinitro Technical, issued to Thompson-Hayward Chemical Company on June 9, 1975, and the registration of Ancrack Herbicide, issued to the Ansul Company on August 20, 1976, but held at the time of the Notice by Drexel Chemical Company. Grounds for cancellation alleged in the petitions were essentially that information, research and test data previously submitted by Dow had been utilized by the Administrator in granting the registrations in question, that no determination had been made as to whether this data was entitled to protection from disclosure in accordance with Sec. 10(b) of FIFRA, that to the extent the data was entitled to confidential treatment in accordance with Sec. 10(b) it could not legally be utilized to issue other registrations

without Dow's consent which had neither been sought nor obtained, and that as to other data, it was incumbent on Thompson-Hayward and Ansul to submit evidence that they had made offers to pay reasonable compensation for the use of such data directly to Dow in accordance with Sec. 3(c)(1)(D) of FIFRA or to obtain Dow's consent, neither of which had been accomplished.

Drexel Chemical Co., Thompson-Hayward Chemical Co. and Gilmore, Inc., on behalf of A. H. Marks and Co. Ltd. responded to the Notice of Intent to Hold a Hearing within the 30-day period specified in the Notice. Registration No. 19713-23, issued to the Ansul Co. on August 20, 1976, concerned control of annual grasses and broad-leaf weeds in soybeans by Ancrack/Surflan tank-mix and Drexel has amended its label to delete that use. Dow has withdrawn its petition for the cancellation of Ancrack Herbicide.

As a result of actions instituted by Dow in the United States District Court for the Eastern District of Michigan, Northern Division (styled *The Dow Chemical Company v. Douglas M. Costle and Thompson-Hayward Chemical Company*, No. 78-10109 and *The Dow Chemical Company v. Douglas M. Costle and The Ansul Company*, No. 78-108110) the time in which interested persons could respond to the Notice of Intent to Hold a Hearing was extended to April 1, 1979 (44 FR 11111, February 27, 1979) and ultimately to August 1, 1979. Dow has now filed a response to the Notice. Thompson-Hayward has filed a motion to dismiss the proceeding asserting that none of the grounds alleged by Dow in its petition afford a legal basis for the Administrator to cancel Thompson-Hayward's registration. Dow and Respondent have filed answers to the motion.

For complete information on the issues involved and the current status of this proceeding, interested persons may examine the file (Herbicides: Dinitro Technical and Ancrack Herbicide, FIFRA Docket No. 407) in the Hearing Clerk's Office, Room 3708, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

Dated: August 23, 1979.

Spencer T. Nissen,

Administrative Law Judge.

[FR Doc. 79-26997 Filed 8-28-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180349; FRL 1307-8]

**Michigan Department of Agriculture;
Issuance of Specific Exemption To
Use Acephate To Control European
Corn Borer on Peppers****AGENCY:** Environmental Protection
Agency (EPA), Office of Pesticide
Programs.**ACTION:** Issuance of a specific
exemption.**SUMMARY:** EPA has granted a specific
exemption to the Michigan Department
of Agriculture (hereafter referred to as
the "Applicant") to use a total of 2,500
pounds of acephate to control the
European corn borer on a maximum of
500 acres of peppers (other than bell
peppers) in Michigan. The specific
exemption expires on September 28,
1979.**FOR FURTHER INFORMATION CONTACT:**
Emergency Response Section,
Registration Division (TS-767), Office of
Pesticide Programs, EPA, 401 M Street,
S.W., Room E-124, Washington, D.C.
20460, Telephone 202/426-0223. It is
suggested that interested persons
telephone before visiting EPA
Headquarters, so that the appropriate
files may be made conveniently
available for review purposes.**SUPPLEMENTARY INFORMATION:**
According to the Applicant, the
European corn borer is the most
significant pest affecting pepper
production in Michigan. The first
generation of European corn borers
begins to emerge the last week of May
or the first week of June. The
populations peak about the second week
of June and then drop sharply through
the first two weeks of July. The second
generation begins emerging in mid-July
and reaches a peak about the second
week of August. The second generation
moths lay their eggs and the larva bore
into the fruit of peppers. Since the hot
pepper processors can not sort borer-
infested peppers from clean peppers,
any shipment received with one percent
or greater borer infestation is rejected in
total. Shipments of peppers which can
not be sold to the processors are
generally considered a total loss. The
Applicant estimates that 20 percent of
the acreage has been lost in past years
due to European corn borer infestation.
The Applicant estimates that the use of
acephate could prevent a loss of
\$111,563 to pepper growers. According
to the Applicant, the chemicals
registered for use on peppers, other than
bell peppers, do not give a high enough
degree of efficacy to be acceptable.Acephate is currently registered for
use on bell peppers, and permanent
tolerances have been established for
combined residues of acephate and its
metabolite (methamidophos) at 4 parts
per million (ppm) in or on bell peppers
(of which no more than 1 ppm is the
metabolite). EPA has determined that
available residue data indicated that the
proposed use pattern should not result
in residues of acephate in excess of this
level in or on peppers other than bell
peppers. No unreasonable adverse
effects to the environment are expected
to result from the proposed use.The Applicant proposed to make four
applications at a rate of 1.0 pound active
ingredient per acre at 7- to 10-day
intervals until 21 days prior to harvest,
beginning when egg masses of the first
generation moths appear. Two
additional applications will be made
within 21 days of harvest at a rate of 0.5
pound active ingredient per acre.After reviewing the application and
other available information, EPA has
determined that (a) a pest outbreak of
the European corn borer has occurred or
is likely to occur; (b) there is no effective
pesticide presently registered and
available for use to control the European
corn borer on peppers in Michigan; (c)
there are no alternative means of
control, taking into account the efficacy
and hazard; (d) significant economic
problems may result if the pest is not
controlled; and (e) the time available for
action to mitigate the problems posed is
insufficient for a pesticide to be
registered for this use. Accordingly, the
Applicant has been granted a specific
exemption to use the pesticide noted
above until September 28, 1979, to the
extent and in the manner set forth in the
application. The specific exemption is
subject to the following conditions:

1. The product Orthene 75S Soluble Powder, EPA Registration No. 239-2418, will be used;
2. Acephate will be applied at a rate of 1.0 pound active ingredient per acre at 7- to 10-day intervals. A maximum of 4 applications may be applied at this rate until 21 days before harvest. A maximum of 2 additional applications may be applied at a rate of 0.5 pound active ingredient per acre prior to 7 days of harvest;
3. A maximum of 500 acres may be treated;
4. A maximum of 2,500 pounds active ingredient may be applied;
5. Applications will be made with air and ground equipment, using a minimum spray mixture volume of 25 gallons of water;
6. All applications will be made by State-licensed commercial or certified private applicators;
7. Application will not be made within 7 days of harvest;
8. A residue level of 5 ppm acephate (of which no more than 1 ppm is O,S-dimethyl phosphoramidothioate) in or on peppers has

been judged adequate to protect the public
health. The Food and Drug Administration,
U.S. Department of Health, Education, and
Welfare, has been advised of this action:9. All applicable directions and restrictions
on the product label must be followed;10. Every precaution shall be taken to
avoid or minimize spray drift to non-target
areas;11. The EPA shall be immediately informed
of any adverse effects resulting from the use
of this pesticide in connection with this
exemption; and12. The applicant shall be responsible for
assuring that all of the provisions of this
specific exemption are met and must submit
a report summarizing the results of this
program by February 15, 1980.(Section 18 of the Federal Insecticide,
Fungicide, and Rodenticide Act, as amended
in 1972, 1975, and 1978 [92 Stat. 819; 7 U.S.C.
136].)

Dated: August 21, 1979.

James M. Conlon,

Acting Deputy Assistant Administrator for
Pesticide Programs.

[FR Doc. 79-28994 Filed 8-28-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180350; FRL 1308-1]

**Oklahoma Department of Agriculture;
Issuance of Specific Exemption To
Use Botran 75W To Control Sclerotinia
Blight of Peanuts****AGENCY:** Environmental Protection
Agency (EPA), Office of Pesticide
Programs.**ACTION:** Issuance of specific exemption.**SUMMARY:** EPA has granted a specific
exemption to the Oklahoma Department
of Agriculture (hereafter referred to as
the "Applicant") to use Botran 75W for
the control of *Sclerotinia* blight on
15,000 acres of peanuts in ten counties in
Oklahoma. The specific exemption
expires on September 30, 1979.**FOR FURTHER INFORMATION CONTACT:**
Emergency Response Section,
Registration Division (TS-767), Office of
Pesticide Programs, EPA, 401 M Street,
S.W., Room E-124, Washington, D.C.
20460, Telephone: 202/426-0223. It is
suggested that interested persons
telephone before visiting EPA
Headquarters, so that the appropriate
files may be made conveniently
available for review purposes.**SUPPLEMENTARY INFORMATION:**
According to the Applicant, *Sclerotinia*
blight, which is caused by the plant
pathogen *Sclerotinia sclerotiorum* (syn.
S. minor), is a relatively new disease on
peanuts in the United States, having
been first reported in 1971. *S.*
sclerotiorum invades the tap root, lateral
branches, and pegs at the soil line and

eventually causes rotting of the peanut pods.

There are no EPA-registered fungicides for the control of *S. sclerotiorum* on peanuts. Several fungicides have been tested and shown to be effective for the control of *Sclerotinia* blight on peanuts. Pentachloronitrobenzene (PCNB) when used at maximal label rates did control *S. sclerotiorum* in some instances, but not in others. Multiple applications of benomyl also provided adequate control. Neither of these fungicides is registered for this use although PCNB has a registration for peanut pod rot complex. Botran 75W was chosen by the Applicant because it was considered to be most efficacious for control of *S. sclerotiorum*. In addition, Botran 75W is registered for the control of *Sclerotinia* on several vegetable crops (beans, celery, cucumbers, lettuce, onions, potatoes, and snap beans).

The Applicant proposed to use Botran 75W, containing the active ingredient 2, 6-dichloro-4-nitroaniline, once, at a dosage rate of 4 to 5 pounds of product per acre, or twice, at a dosage rate of 2 to 2.5 pounds per product per acre. If two applications are made, they will be made 10-14 days apart. Applications of Botran will be made by peanut growers on a maximum of 15,000 acres of peanuts in the counties of Bryan, Caddo, Carter, Grady, Hughes, Johnson, Lincoln, Love, Marshall, and Stephens.

The Applicant estimates that peanut yield losses due to *S. Sclerotiorum* infection could reach \$2,264,850 without a suitable control program.

This use of Botran 75W is not expected to have any adverse effects on the environment. Treated peanut vines or hay may not be used as livestock feed items.

After reviewing the applications and other available information, EPA has determined that (a) a pest outbreak of *Sclerotinia* blight has occurred or is about to occur; (b) there is no effective pesticide presently registered and available for use to control this pest in Oklahoma; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the pest is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until September 30, 1979, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions.

1. Botran 75W (EPA Reg. No. 1023-36) may be applied in the first 30 minutes of an overhead irrigation system set at a dosage rate of 4 pounds product (3 pounds active ingredient) per acre, or by ground equipment at a dosage rate of 4 to 5 pounds of product (3-3.75 pounds active ingredient) per acre or as a split application, 14 days apart, at a dosage rate of 2-2.5 pounds of product (1.5-1.88 pounds active ingredient) per acre. When ground equipment is used, the product should be applied in 30-50 gallons of water over the row, using a flat type spray nozzle that produces large droplets rather than a mist and with sufficient pressure to drive the fungicide to the soil surface;

2. A maximum of 56,250 pounds of active ingredient may be applied;

3. A maximum of 15,000 acres of peanuts located in the counties named above may be treated;

4. All tail water must be contained when Botran 75W is used in irrigation systems;

15. Growers may apply this pesticide provided pesticide dealers disseminate copies of the proper procedures to be followed in applying Botran 75W under this specific exemption. Agricultural Extension agents, plant pathologists, and peanut specialists shall be available to assist growers;

6. All label precautions, directions, and restrictions must be adhered to;

7. Botran 75W-treated peanut fields must not be grazed nor shall the treated vines or hay be used as feed items;

8. A pre-harvest interval of 30 days shall be observed;

9. A residue level of 2,6-dichloro-4-nitroaniline in or on peanut meat and hulls not exceeding 0.1 part per million has been deemed adequate to protect the public health. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

10. Botran 75W is toxic to fish. Care must be taken to prevent contamination of water by cleaning of equipment or disposal of waste or containers. It may not be applied under conditions favoring sheet run-off;

11. The EPA shall be immediately informed of any adverse effects resulting from the use of Botran 75W in connection with this specific exemption; and

12. A full report summarizing the results of this program must be submitted to the EPA by the end of March, 1980. This report should include, but is not limited to the following information:

a. Actual data on the residues of 2,6-dichloro-4-nitroaniline in or on the whole green peanut plant and peanut hay from application of Botran 75W via irrigation systems, and

b. Efficacy data developed using standard research methods and techniques. Particular emphasis should be placed on determining the most effective method of applying the pesticide through sprinkler systems to provide adequate and uniform coverage, to prevent contamination of water sources with the pesticide, and to prevent drift.

Statutory authority: Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

Dated: August 21, 1979.

James M. Conlon,
Acting Deputy Assistant Administrator for
Pesticide Programs

[FR Doc. 79-26993 Filed 8-28-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180260A; FRL 1308-2]

U.S. Department of Agriculture; Amendment To Specific Exemption To Use Permethrin Coated Bags

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Issuance of amendment to a specific exemption.

SUMMARY: EPA has issued an amendment to a specific exemption granted to the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, (hereafter referred to as the "Applicant") to use permethrin in the treatment of multiwall paper bags used for shipment and storage of processed grain products. The amendment extends the expiration date of the specific exemption to December 19, 1979.

FOR FURTHER INFORMATION CONTACT:

Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, Room: E-124, Washington, D.C. 20460. Telephone: 202/426-0223. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: On Wednesday, April 11, 1979 (44 FR 21704), EPA published a notice in the *Federal Register* which announced the granting of a specific exemption to the Applicant to use permethrin in the treatment of multiwall paper bags used for shipment and storage of processed grain products. Since then the Applicant has requested that the expiration date be extended. According to the Applicant, due to unforeseen production formulation problems by the permethrin manufacturer, specification production and delivery of treated containers to the milling industry did not start until June 1, 1979. The Applicant had anticipated a February 15, 1979 commencement date.

After review the application and other available information, EPA has determined that the requested amendment would not significantly change the specific exemption originally granted and would not result in any additional environmental risks. Accordingly, EPA has granted the

amendment to change the expiration date to December 19, 1979. The Applicant must submit a report summarizing the results of this program by February 28, 1980. All of the remaining provisions and restrictions concerning the use of permethrin under the specific exemption granted on December 20, 1978 remain in force.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136)).

Dated: August 21, 1979.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-26901 Filed 8-28-79; 8:45 am]

BILLING CODE 5560-01-M

[OPP-30171; FRL 1307-7]

Pesticide Programs; Receipt of Application To Register Pesticide Product Containing New Active Ingredient

U.S. Borax Research Corp., 412 Crescent Way, Anaheim, CA 92801, has submitted to the Environmental Protection Agency (EPA) an application to register the pesticide product RYDEX (EPA File Symbol 1624-RRU), containing 50% of the active ingredient prodiamine [2,4-dinitro-N,N'-dipropyl-6-(trifluoromethyl)-1,3-benzenediamine] which has not been included in any previously registered pesticide product. The application proposes that the pesticide be classified for general use for preemergence control of annual grasses and broadleaf weeds. Notice of this application is given pursuant to the provisions of Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (92 Stat. 819; 7 U.S.C. 136) as amended and the regulations thereunder (40 CFR 162). Notice of receipt of this application does not indicate a decision by the Agency on the application.

Interested persons are invited to submit written comments on this petition. Comments may be submitted, and inquiries directed, to Product Manager (PM) 23, Room E-351, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M St., SW, Washington, DC 20460, telephone number 202/755-1397.

The comments must be received within 30 days from the date of publication of this notice in the Federal Register and should bear a notation indicating the EPA File Symbol "1624-RRU." Comments received within the specified time period will be considered before a final decision is made; comments received after the specified time period will be considered only to

the extent possible without delaying processing of the application. The label furnished by U.S. Borax Research Corp., as well as all written comments filed pursuant to this notice, will be available for public inspection in the Product Manager's office from 8:30 a.m. to 4 p.m., Monday through Friday, excluding holidays.

Notice of approval or denial of this application to register RYDEX will be announced in the Federal Register. Except for such material protected by section 10 of FIFRA, the test data and other information submitted in support of registration as well as other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedures for requesting such data will be given in the Federal Register if an application is approved.

Dated: August 24, 1979.

Herbert S. Harrison,

Acting Director, Registration Division.

[FR Doc. 79-26905 Filed 8-28-79; 8:45 am]

BILLING CODE 5560-01-M

[FRL 1307-5]

General Motors Corp.; Three Rivers, Mich.; Final Determination

In the matter of the applicability of Title 1, Part C of the Clean Air Act (Act), as amended, 42 U.S.C. 7401 *et seq.*, and the Federal regulations promulgated thereunder at 40 CFR 52.21 (43 FR 26388, June 19, 1978) for Prevention of Significant Deterioration of Air Quality (PSD), to General Motors Corporation (GMC), Hydra-matic Division, Three Rivers, Michigan.

On August 7, 1978, GMC, Hydra-matic Division submitted an application to the United States Environmental Protection Agency (U.S. EPA), Region V office, for an approval to construct two new coal-fired boilers. The application was submitted pursuant to the regulations for PSD.

On April 24, 1979, GMC, Hydra-matic Division was notified that its application was complete and preliminary approval was granted.

On May 10, 1979, U.S. EPA published notice of its decision to grant a preliminary approval to GMC, Hydra-matic Division. No comments or request for a public hearing were received.

After review and analysis of all materials submitted by GMC, Hydra-matic Division, the Company was notified on July 27, 1979, that U.S. EPA had determined that the proposed new construction in Three Rivers, Michigan,

would be utilizing the best available control technology and that emissions from the facility will not adversely impact air quality, as required by Section 165 of the Act.

This approval to construct does not relieve GMC, Hydra-matic Division of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State and local requirements.

This determination may now be considered final agency action which is locally applicable under Section 307(b)(1) of the Act and therefore a petition for review may be filed in the U.S. Court of Appeals for the Seventh Circuit by any appropriate party. In accordance with Section 307(b)(1), petitions for review must be filed on or before October 29, 1979.

For further information contact Eric Cohen, Chief, Compliance Section, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 353-2090.

John McGuire,

Regional Administrator Region V.

In the Matter of The General Motors Corporation Hydra-matic Division, Three Rivers, Michigan.

Proceeding Pursuant to the Clean Air Act, as amended; approval to construct EPA-5-A-79-20.

Authority

The approval to construct is issued pursuant to the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, (the Act), and the Federal regulations promulgated thereunder at 40 CFR 52.21 for the Prevention of Significant Deterioration Of Air Quality (PSD).

Findings

1. The General Motors Corporation (GMC) proposes to construct two new coal-fired spreader stoker boilers at its Hydra-matic Division in Three Rivers, Michigan.

2. The proposed construction of the two new coal-fired boilers is subject to the requirements of 40 CFR 52.21 and the applicable sections of the Act.

3. GMC submitted a completed application on April 24, 1979. On May 10, 1979, notice was published in the *Three Rivers Commercial* seeking comments from the public and giving an opportunity to request a public hearing on the application and U.S. EPA's review and preliminary determination to approve construction of the above-cited source. No comments or requests for a public hearing were received.

4. After a thorough review of all the materials submitted by GMC, U.S. EPA has determined that emissions from the two coal-fired boilers will not violate the National Ambient Air Quality Standards nor will they violate the air quality increments.

5. The two new coal-fired boilers will have a heat input of 72.8 million BTU per hour and

will provide steam and compressed air to the Hydra-matic plant. A steam-operated pneumatic ash handling system will be installed for the boilers. A coal handling system capable of unloading crushed coal from railroad cars will also be built.

6. The Hydra-matic plant is located in St. Joseph County, Michigan and is designated attainment for all criteria pollutants. GMC proposes to use low sulfur coal with a sulfur content not greater than 1% and to employ a particulate control system of cyclonic dust collectors in series with a fabric filter to achieve the allowable emission rate. The baghouse system will have an air to cloth ratio of 3.08:1 with pressure-drop of 6 inches w.g. across the system. The system will handle 27,200 cubic feet of air per minute. The baghouse will have 3 modules with 168 fiberglass bags in each module. The bags will be cleaned by reverse pulsed air. GMC will employ best available technology (BACT) for fugitive particulate emissions from their coal storage handling facilities. Unloading of coal rail cars will be done in an enclosed building. Coal handling and processing such as the crusher, transfer points and coal bunker will be enclosed. The storage pile will be sprayed with a surfactant to control fugitive emissions.

Conditions

7. Particulate emissions from the new boilers shall not exceed 0.06 pounds per million BTU heat input.

8. Sulfur dioxide emissions from the new boilers shall not exceed 1.6 pounds per million BTU heat input, based on a 24-hour average.

9. Nitrous oxide emissions from the new boilers shall not exceed 0.6 pounds per million BTU heat input.

10. No waste oil from the plant process shall be fired in the new boilers unless specifically approved by U.S. EPA. Such approval cannot be granted to GMC unless the following information is provided:

- An ultimate analysis of waste oil to be stored and fired.
- An estimate of the quantity of waste oil to be stored and fired.
- An assessment of the air quality impact of the waste oil firing.

11. The unloading of coal rail cars shall be executed in an enclosed building. Coal handling and processing (crushers, conveyors, transfer points and coal bunker) will be enclosed.

12. The coal storage pile(s) shall be sprayed with a surfactant on a regular basis as needed to minimize fugitive dust.

13. A low sulfur coal with a sulfur content not greater than 1% will be utilized to reduce sulfur dioxide emissions.

14. There shall be no visible emissions from the coal conveyor or coal elevators.

15. Visible emissions from the rail car receiving hopper shall not exceed 5 percent opacity.

The control measures stated in conditions 7 through 15 above represent BACT as required by 40 CFR 52.21(d)(1).

Approval

16. Approval to construct two coal-fired spreader stoker boilers is hereby granted to

GMC, subject to the conditions expressed herein and consistent with the materials and dates included in the application filed by the Corporation. Any departure from the conditions of this approval or the terms expressed in GMC's application must receive the prior written authorization of U.S. EPA.

17. This approval to construct does not relieve GMC of the responsibility to comply with the control strategy and all local, State, and Federal regulations which are part of the applicable Implementation Plan, as well as other applicable local, State and Federal requirements.

18. This approval is effective immediately. This approval to construct shall become invalid, if construction or expansion is not commenced within 18 months after receipt of this approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified. Written notification shall be made to U.S. EPA 5 days after construction is commenced.

19. A copy of this approval has been forwarded for public inspection to the Three Rivers Public Library, 109 Portage, Three Rivers, Michigan.

20. In addition, the United States Court of Appeals for the D.C. Circuit has issued a ruling in the case of *Alabama Power Co. vs. Douglas M. Costle* (78-1006 and consolidated cases) which has significant impact on the EPA prevention of significant deterioration (PSD) program and approvals issued thereunder. Although the court has stayed its decision pending resolution of petitions for reconsideration, it is possible that the final decision will require modification of the PSD regulations and could affect permits issued under the existing program. Examples of potential impact areas include the scope of best available control technology (BACT), source applicability, the amount of increment available (baseline definition), and the extent of preconstruction monitoring that a source may be required to perform. The applicant is hereby advised that this approval may be subject to reevaluation as a result of the final court decision and its ultimate effect.

Dated: July 27, 1979.

John McGuire,
Regional Administrator.

[FR Doc. 79-26998 Filed 8-28-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1307-4]

General Motors Corp., Pontiac, Mich.; Final Determination

In the matter of the applicability of Title 1, Part C of the Clean Air Act (Act), as amended, 42 U.S.C. 7401 *et seq.*, and the Federal regulations promulgated thereunder at 40 CFR 52.21 (43 FR 26388, June 19, 1978) for Prevention of Significant Deterioration of Air Quality (PSD), to General Motors Corporation (GMC), Fisher Body Assembly Plant, Pontiac, Michigan.

On August 9, 1978, GMC, Fisher Body Assembly Plant submitted an

application to the United States Environmental Protection Agency (U.S. EPA), Region V office, for an approval to construct two new coal-fired spreader stoker boilers. The application was submitted pursuant to the regulations for PSD.

On April 23, 1979, GMC, Fisher Body Assembly Plant was notified that its application was complete and preliminary approval was granted.

On May 15, 1979, U.S. EPA published notice of its decision to grant a preliminary approval to GMC, Fisher Body Assembly Division. No comments or request for a public hearing were received.

After review and analysis of all materials submitted by GMC, Fisher Body Assembly Plant, the Company was notified on July 27, 1979, that U.S. EPA had determined that the proposed new construction in Pontiac, Michigan, would be utilizing the best available control technology and that emissions from the facility will not adversely impact air quality, as required by Section 165 of the Act.

This approval to construct does not relieve GMC, Fisher Body Assembly Plant of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State and local requirements.

This determination may now be considered final agency action which is locally applicable under Section 307(b)(1) of the Act and therefore a petition for review may be filed in the U.S. Court of Appeals for the Seventh Circuit by any appropriate party. In accordance with Section 307(b)(1), petitions for review must be filed on or before October 29, 1979.

For further information contact Eric Cohen, Chief, Compliance Section, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 353-2090.

Dated: August 14, 1979.

John McGuire,
Regional Administrator, Region V.

In the Matter of The General Motors Corporation, Fisher Body Assembly Plant, Pontiac, Michigan. Proceeding Pursuant to the Clean Air Act, as amended. Approval to Construct EPA-5-A-79-19.

Authority

The approval to construct is issued pursuant to the Clean Air Act, as amended, 42 USC 7401 *et seq.*, (the Act), and the Federal regulations promulgated thereunder at 40 CFR 52.21 for the Prevention of Significant Deterioration of Air Quality (PSD).

Findings

1. The General Motors Corporation (GMC) proposes to construct two new coal-fired spreader stoker boilers at its Fisher Body Assembly plant in Pontiac, Michigan.

2. The proposed construction of the two new coal-fired boilers is subject to the requirements of 40 CFR 52.21 and the applicable sections of the Act.

3. GMC submitted a completed application on April 23, 1979. On May 15, 1979, notice was published in the *Oakland Press* seeking comments from the public and giving an opportunity to request a public hearing on the application and U.S. EPA's review and preliminary determination to approve construction of the above-cited source. No comments or requests for a public hearing were received.

4. After a thorough review of all the materials submitted by GMC, U.S. EPA has determined that emissions from the two coal-fired boiler will not violate the National Ambient Air Quality Standards nor violate the air quality increments.

5. The two new coal-fired boilers will have a heat input of 245 million BTU per hour respectively and will replace two existing 80,000 pounds steam per hour boilers.

6. The Fisher Body Assembly plant is located in Oakland County, Michigan which is an attainment area for total suspended particulates (TSP) and sulfur dioxide emissions. The plant is located adjacent to and impacts on, a nonattainment area for TSP and is therefore subject to Lowest Achievable Emission Rate (LAER) as well as offsets for TSP.

7. GMC proposes to achieve LAER by employing a particulate control system of cyclonic dust collectors in series with a fabric filter to achieve the allowable emission rate. GMC proposes to also employ LAER controls for fugitive emissions from their coal storage and handling facilities. Unloading of coal cars will be executed in an enclosed building. Coal handling such as the crushers, conveyors, and transfer points will be enclosed. The storage pile(s) will be sprayed with a surfactant to control the fugitive emissions. Offsets will be obtained through shut down of the two existing boilers.

8. GMC proposes to achieve best available control technology (BACT) by utilizing low sulfur coal with a sulfur content not greater than 1%. To meet BACT, GMC proposes to apply combustion modification techniques that will include excess air and overfire air control.

Conditions

9. Particulate matter emissions from the boiler stack shall not exceed 0.03 pounds per million BTU actual heat input.

10. Sulfur dioxide emissions from the boiler stack shall not exceed 1.6 pounds per million BTU actual heat input on a 24-hour basis.

11. Nitrous oxide emissions from the stack shall not exceed 0.6 pounds per million BTU actual heat input.

12. A low sulfur coal with a sulfur content not greater than 1% will be utilized to reduce sulfur dioxide emissions.

13. The unloading of coal rail cars shall be executed in an enclosed building. Coal handling and processing (crushers,

conveyors, transfer points, and bunkers) will be enclosed.

14. The coal pile(s) shall be sprayed with a surfactant on a regular basis as needed to minimize fugitive dust emissions.

15. Visible emissions from the car dumper facility shall not exceed 5% opacity.

16. There shall be no visible emissions from the coal conveyors or coal elevators.

17. Ash shall be wetted as it is loaded on the trucks utilized for disposal. The trucks utilized for ash disposal shall be covered.

18. The operation of the two existing 80,000 pound steam per hour boilers shall cease prior to start-up of the two new coal-fired spreader stoker boilers.

Conditions 9 through 18 represent application of the appropriate control measures as specified in 40 CFR 52.21.

Approval

19. This approval to construct the two new coal-fired spreader stoker boilers is hereby granted to GMC, subject to the conditions expressed herein and consistent with the materials and dates included in the application filed by the Corporation. Any departure from the conditions of this approval or the terms expressed in GMC's application must receive the prior written authorization of U.S. EPA.

20. This approval to construct does not relieve GMC of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable Implementation Plan, as well as other applicable local, State and Federal requirements.

21. This approval is effective immediately. This approval to construct shall become invalid, if construction or expansion is not commenced within 18 months after receipt of this approval, or if construction is discontinued for a period of 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified. Written notification shall be made to U.S. EPA 5 days after construction is commenced.

22. A copy of this approval has been forwarded for public inspection to the Pontiac Public Library, 60 East Pike, Pontiac, Michigan 48058.

23. In addition, the United States Court of Appeals for the D.C. Circuit has issued a ruling in the case of *Alabama Power Co. vs. Douglas M. Costle* (78-1006 and consolidated cases) which has significant impact on the EPA prevention of significant deterioration (PSD) program and approvals issued thereunder. Although the court has stayed its decision pending resolution of petitions for reconsideration, it is possible that the final decision will require modification of the PSD regulations and could affect approvals issued under the existing program. Examples of potential impact areas include the scope of best available control technology (BACT), source applicability, the amount of increment available (baseline definition), and the extent of preconstruction monitoring that a source may be required to perform. The applicant is hereby advised that this approval may be subject to reevaluation as a result of the final court decision and its ultimate effect.

Dated: July 27, 1979.

John McGuire,
Regional Administrator.

[FR Doc. 79-26999 Filed 8-28-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1307-3]**Upjohn Co., Kalamazoo, Mich.; Final Determination**

In the matter of the applicability of Title I, Part C of the Clean Air Act (Act), as amended, 42 U.S.C. 7401 *et seq.*, and the Federal regulations promulgated thereunder at 40 CFR 52.21 (43 FR 26388, June 19, 1978) for Prevention of Significant Deterioration of Air Quality (PSD), to Upjohn Company, Kalamazoo, Michigan.

On August 8, 1978, Upjohn Company submitted an application to the United States Environmental Protection Agency (U.S. EPA), Region V office, for an approval to construct a gas/oil fired boiler. The application was submitted pursuant to the regulations for PSD.

On April 2, 1979, Upjohn Company was notified that its application was complete and preliminary approval was granted.

On May 4, 1979, U.S. EPA published notice of its decision to grant a preliminary approval to Upjohn Company. No comments or request for a public hearing were received.

After review and analysis of all materials submitted by Upjohn Company, the Company was notified on July 12, 1979, that U.S. EPA had determined that the proposed new construction in Kalamazoo, Michigan, would be utilizing the best available control technology and that emissions from the facility will not adversely impact air quality, as required by Section 165 of the Act.

This approval to construct does not relieve Upjohn Company of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State and local requirements.

This determination may now be considered final agency action which is locally applicable under Section 307(b)(1) of the Act and therefore a petition for review may be filed in the U.S. Court of Appeals for the Seventh Circuit by any appropriate party. In accordance with Section 307(b)(1), petitions for review must be filed on or before October 29, 1979.

For further information contact Eric Cohen, Chief, Compliance Section, Region V, U.S. EPA, 230 Dearborn

Street, Chicago, Illinois 60604 (312) 353-2090.

Dated: August 14, 1979.

John McGuire,

Regional Administrator, Region V.

In the Matter of The Upjohn Company, Kalamazoo, Michigan. Proceeding Pursuant to the Clean Air Act, as amended. Approval to Construct EPA-5A-79-16.

Authority

The approval to construct is issued pursuant to the Clean Air Act, as amended, 42 U.S.C. 7401 et seq., (the Act), and the Federal regulations promulgated thereunder at 40 CFR 52.51 for the Prevention of Significant Deterioration of Air Quality (PSD).

Findings

1. The Upjohn Company (Upjohn) proposes to construct a gas/oil fired boiler (Boiler #8) in Kalamazoo, Michigan.

2. The section of Kalamazoo in which Upjohn proposes to construct is a Class II area as determined pursuant to the Act and has been designated an attainment area for all criteria pollutants except oxidants by the State of Michigan pursuant to Section 107 of the Act.

3. The proposed Boiler #8 is subject to the requirements of 40 CFR 52.21 and the applicable sections of the Act. The application also includes the installation of two 50,000 gallon oil storage tanks to store the #5 fuel oil used in Boiler #8.

4. Upjohn submitted a completed PSD application on April 2, 1979. On May 4, 1979, notice was published in the Kalamazoo Gazette seeking written comments from the public and giving an opportunity to request a public hearing on the application and U.S. EPA's review and preliminary determination to approve construction of the above-cited source. No comments or requests for a public hearing were received.

5. After a thorough review of all the materials submitted by Upjohn, U.S. EPA has determined that emissions from the construction and operation of Boiler #8 will not violate the National Ambient Air Quality Standards, nor exceed the PSD increments.

6. Best Available Control Technology (BACT) for NO_x emissions from a gas or oil fired boiler (rated capacity 120,000 pounds steam per hour) will result in emissions of 0.2 or 0.3 pounds per million BTU respectively. For SO₂, BACT for oil firing corresponds to an emission rate of 0.8 pounds per MMBTU based on a 24-hour average. A low sulfur fuel (#5 fuel oil) with a sulfur content of 0.72% must be fired to attain the emission rate of 0.8 pounds per MMBTU.

Conditions

7. Boiler #8 will be gas fired 245 days per year and oil fired 90 days per year. For the remaining 30 days in the year, Boiler #8 will be shut down for maintenance.

8. The use of proper boiler design and burner placement will be maintained. The burner will be placed in a water cooled combustion chamber and excess air will be limited.

9. A low sulfur #5 fuel oil with a sulfur content not to exceed 0.72% will be used in firing.

10. NO_x emissions from Boiler #8 shall not exceed 0.20 or 0.30 pounds per MMBTU heat input when fired with natural gas or oil, respectively.

11. SO₂ emissions from Boiler #8 shall not exceed 0.80 pounds per MMBTU heat input on a 24-hour average when fired with oil.

12. When Boiler #8 is being fired with a combination of oil and natural gas, the allowable emission rates for NO_x and SO₂ shall be calculated on the basis of the prorated heat input for each fuel consistent with the conditions stated above. In calculating the allowable SO₂ emission rate, the emission rate when natural gas *only* is used shall be taken to be 0.00 pounds per MMBTU heat input.

The control measures stated above represent BACT [40 CFR 52.21(d)(ii)].

Approval

13. This approval to construct a gas/oil fired boiler (Boiler #8) is hereby granted to the Upjohn Company subject to the conditions expressed herein and consistent with the materials and dates included in the application filed by the Company. Any departure from the conditions of this approval or the terms expressed in Upjohn's application must receive the prior written authorization of U.S. EPA.

14. This approval to construct does not relieve Upjohn of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable Implementation Plan, as well as other applicable local, State and Federal requirements.

15. This approval is effective immediately. This approval to construct shall become invalid, if construction or expansion is not commenced within 18 months after receipt of this approval or if construction is discontinued for a period of 18 months or more. The administrator may extend such time period upon a satisfactory showing that an extension is justified. Notification shall be made to U.S. EPA 5 days after construction is commenced.

16. A copy of this approval has been forwarded for public inspection to the Kalamazoo Public Library, 315 South Rhodes, Kalamazoo, Michigan 49007.

In addition, the United States Court of Appeals for the D.C. Circuit has issued a ruling in the case of *Alabama Power Co. vs. Douglas M. Costle* (78-1006 and consolidated cases) which has significant impact on the EPA Prevention of Significant Deterioration (PSD) program and permits issued thereunder. Although the court has stayed its decision pending resolution of petitions for reconsideration, it is possible that the final decision will require modification of the PSD regulations and could affect permits issued under the existing program. Examples of potential impact areas include the scope of Best Available Control Technology (BACT), source applicability, the amount of increment available (baseline definition), and the extent of preconstruction monitoring that a source may be required to perform. The applicant is hereby advised that this permit may be

subject to reevaluation as a result of the final court decision and its ultimate effect.

Dated: July 12, 1979.

John McGuire,

Regional Administrator.

[FR Doc. 79-27000 Filed 8-28-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1308-3]

Water Programs; Determination of Primary Enforcement Responsibility; State of Illinois

This public notice is issued under Section 1413 of the Safe Drinking Water Act of 1977, Pub. L. 95-190, (Amending 42 U.S.C. 300f et seq.), and 40 CFR 142.10, National Interim Primary Drinking Water Regulations, published at 41 FR 2918 (January 20, 1976).

An application, dated June 28, 1978, has been received from the Director of the Illinois Environmental Protection Agency, requesting that the Illinois Environmental Protection Agency be granted primary enforcement responsibility for public water systems in the State of Illinois, in accordance with the provisions of this Act.

In response, I have determined, as Regional Administrator of the U.S. Environmental Protection Agency, Region V, that the Illinois Environmental Protection Agency has met all conditions of the Safe Drinking Water Act and subsequent regulations for the assumption of primary enforcement responsibility for public water systems in the State of Illinois.

The State—

(1) has adopted drinking water regulations which are no less stringent than the National Interim Primary Drinking Water Regulations;

(2) has adopted and will implement adequate procedures for the enforcement of such State regulations, including adequate monitoring and inspections;

(3) will keep such records and make such reports as required;

(4) will issue variances and exemptions in accordance with the provisions of the National Interim Primary Drinking Water Regulations and;

(5) has adopted and can implement an adequate plan for the provision of safe drinking water under emergency circumstances.

This determination is based on the understanding that the Illinois Pollution Control Board will follow the Federal variance and exemption regulations set forth at 40 CFR Part 142, Subparts E and F (41 FR 2923-2926, January 20, 1976).

All documents relating to this determination are available for public inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Division of Public Water Supplies

Illinois Environmental Protection

Agency

2200 Churchill Road
Springfield, Illinois 62706

Water Supply Branch

U.S. Environmental Protection Agency,
Region V

230 South Dearborn Street
Chicago, Illinois 60604

All interested parties are invited to submit written comments on this determination. Written comments must be received on or before September 28, 1979.

Further information may be obtained by writing the Water Supply Branch of the U.S. Environmental Protection Agency, Region V, or the Division of Public Water Supplies, Illinois Environmental Protection Agency, or by calling Joseph F. Harrison at (312) 353-2151 or Ira Markwood at (217) 782-9470.

A public hearing may be requested by any interested person. Frivolous or insubstantial requests for a public hearing may be denied; however, if a substantial request is received within 30 days, a public hearing will be held and notice will be given in the **Federal Register** and newspapers of general circulation. Such requests shall be addressed to me, Regional Administrator, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, and shall include the following information:

- (1) The name, address, and telephone number of the individual, organization or other entity requesting a hearing.
- (2) A brief statement of the requesting person's interest in my determination and information that the requesting person intends to submit at such hearing.
- (3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

If no timely request for a hearing is received, my determination shall become effective 30 days after this notice is issued.

Please bring this notice to the attention of any persons known by you to have an interest in this determination.

Dated: August 23, 1979.

John McGuire,

Regional Administrator, U.S. Environmental Protection Agency, Region V.

[FR Doc. 79-26990 Filed 8-28-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1308-4]

Region II; Groundwater System for the Aquifers of Queens and Kings Counties, New York; Request for EPA Determination Regarding Aquifers

A petition has been submitted by the Jamaica Water Supply Company, Lake Success, New York, pursuant to Section 1424(e) of the Safe Drinking Water Act, P.L. 93-523, requesting the Administrator of the Environmental Protection Agency to make a determination that the aquifer underlying Queens and Kings Counties, New York is the sole or principal drinking water source of Queens County, New York which, if contaminated, would create a significant hazard to public health.

This petition is reprinted in full below:

BEFORE THE U.S. ENVIRONMENTAL PROTECTION AGENCY

Douglas M. Costle, Administrator

Petition

In the Matter of the Petition of the Jamaica Water Supply Company Under Section 1424(e) of the 1974 Safe Drinking Water Act with Respect to the Aquifers of Queens and Kings Counties, New York.

1. Section 1424(e) of the 1974 Safe Drinking Water Act provides as follows:

"(e) If the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the **Federal Register**. After the publication of any such notice, no commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for Federal financial assistance may, if authorized under another provision of law, be entered into plan or design the project to assure that it will not so contaminate the aquifer."

2. The aquifers which underlie Queens County, New York City, are the sole drinking water source for approximately 650,000 people in the southeastern part of Queens County. These aquifers are extensions of the aquifers underlying Nassau and Suffolk Counties, which have already been declared "sole source aquifers". Numerous publications by federal and state agencies, including "An Atlas of Long Island Water Resources," New York Water Resources Commission Bulletin No. 62; "Ground Water and Geohydrologic Conditions in Queens County, Long Island, New York," by Julian Soren, United States Geological Survey Water Supply Paper 2001-A, pages A-19 through A-26 establish the interrelationship between the aquifers underlying Queens County and those underlying Nassau, Suffolk and Kings Counties.

3. The southeastern portion of Queens County has a population of approximately 650,000 people located within an area of approximately 30 square miles. These people are supplied all of their water, both for domestic use and public fire protection, from wells which are operated by the Jamaica Water Supply Company, (the "Company") a private company franchised within the State of New York. Even though the Company has interconnections with the water system maintained by the City of New York, less than 30% of the area's normal daily requirements can be met by the use of City water. There is no expectation that the Company will be able to increase the quantity of water it takes from New York City in the foreseeable future. The Company provides for iron removal, chlorination, fluoridation and corrosion control of most of the water pumped.

4. The area has four principal aquifers, the upper glacial aquifer (the top aquifer), the Jameco aquifer, the Magothy aquifer and the Lloyd aquifer, all of which are utilized for a potable water supply in the southwestern portion of Queens County. Recharge to the aquifers is from precipitation or from adjacent rocks.

5. Since the population of the entire southeastern portion of Queens County is dependent upon these aquifers and since these aquifers are not only contiguous with, but also hydraulically connected to the aquifers in the rest of Queens County, Kings County and Nassau County, contamination of these aquifers would create a significant hazard to public health.

6. Contamination of the upper glacial aquifer, already a problem in Nassau and Suffolk Counties, could become a reality at any time in Queens and Kings Counties where it would pose a far more serious problem to their residents because of greater urbanization and a higher concentration of industrial areas.

7. Preservation of the potability of water in aquifers underlying Queens and Kings Counties will benefit not only present residents but also future generations, because it is the source of approximately 60 million gallons per day required for the Company's customers in Queens and Nassau Counties.

8. Therefore we request that you amend the Nassau/Suffolk designation of June 21, 1978 (FR Vol. 43, No. 120) by adding the determination that Queens and Kings Counties are underlain by aquifers which are "the sole or principal drinking water source for the southeastern part of Queens and if contaminated would create a significant hazard to public health," and that you therefore publish notice of this determination in the **Federal Register**.

Respectfully submitted,
Jamaica Water Supply Company.

Andrew T. Dwyer,
President.

Jamaica Water Supply Company
410 Lakeville Road
Lake Success, New York 11042
516-488-4600

June 18, 1979.

EPA intends to decide whether to make the requested determination at the earliest time consistent with a complete review of the relevant data and information, and a full opportunity for public participation. In this regard, the Agency is developing a full factual record, and solicits comments, data and references to additional sources of information relevant to the determination required by Section 1424(e). In particular, information is sought concerning the hydrogeology of the Queens and Kings Aquifer System, the boundaries of the aquifer and its recharge areas. In addition, EPA requests information concerning the area or areas dependent upon the aquifer for drinking water, the significance of current or anticipated projects receiving federal financial assistance that may result in contamination of the aquifer, the prospects that such contamination will occur as a result of current activities or even to that may be anticipated, and any other relevant information.

Comments, data, and references in response to this notice should be submitted in writing to Eckardt C. Beck, Regional Administrator, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, NY 10007, attention: Queens and Kings Aquifer; within 60 days of this Notice. Information and maps submitted by the Jamaica Water Supply Company concerning the Queens and King Aquifer System will be available for inspection in the Water Supply Branch office at the above address.

In addition to considering public comments sent to EPA, the Agency will hold a Public Hearing on the afternoon (2:00 pm to 5:00 pm) and evening (7:00 pm to 10:00 pm) of Thursday October 4, 1979, at the Queens Boro Hall, Room 213, 120-55 Queens Blvd., Kew Gardens, N.Y.

Persons who wish to present prepared statements at the public hearing are urged to give notice to Mr. John S. Malleck, Water Supply Branch, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, N.Y. 10007, (212) 264-1347. Written copies of these statements should be submitted at the hearing for inclusion in the record.

Eckardt C. Beck,
Regional Administrator.

[FR Doc. 79-26992 Filed 8-28-79; 8:45 am]
BILLING CODE 6560-01-M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public, Financial Responsibility To Meet Liability Incurred for Death or Injury To Passengers or Other Persons on Voyages; Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540): Hellenic American Cruises, Ltd., 22 East 40th Street, New York, New York 10016.

Dated: August 23, 1979.

Francis C. Hurney,
Secretary.

[FR Doc. 79-26746 Filed 8-28-79; 8:45 am]
BILLING CODE 6730-01-M

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 10, 1979. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement No.: T-3323-1.

Filing Party: Mr. Michael Joseph, Esq., Kominers, Fort, Schlefer & Boyer, 1776 F Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. T-3323-1, among Holt Handling & Warehousing System Inc. (Holt), Retla Steamship Company (Retla) and Pierpoint Management Company, Inc. (Pierpoint), modifies the parties' basic agreement providing for Holt's lease to Pierpoint and Pierpoint's guarantor, Retla, the Pier Seven terminal facility at Gloucester City, New Jersey. The purpose of the modification is to provide 1) that Retla pay Holt the sum of \$500,000, 2) that Agreement No. T-3323 be cancelled, 3) that the proceedings in FMC Docket No. 78-44 be terminated, and 4) that Pierpoint surrender the lease of Pier Seven to Holt.

By Order of the Federal Maritime Commission.

Dated: August 23, 1979.

Francis C. Hurney,
Secretary.

[FR Doc. 79-26764 Filed 8-28-79; 8:45 am]
BILLING CODE 6730-01-M

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPR 37]

Federal Procurement; Companies not in Compliance with the Voluntary Wage and Price Standards

To: Heads of Federal agencies.

1. *Purpose.* This bulletin provides, for the information of executive agencies, the names of companies that have been determined to be in noncompliance with the Voluntary Wage and Price Standards formulated pursuant to Executive Order (EO) 12092.

2. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until canceled.

3. *Background.* EO 12092, dated November 1, 1978, encourages voluntary noninflationary pay and price behavior by private industry and labor. It also directs Federal agencies to procure personal property and services at prices and wage rates which are noninflationary and consistent with (a) Sections 1-102, 1-103, and 1-104 of EO 12092 and (b) the voluntary wage and price standards formulated pursuant to EO 12092. Further, Section 1-101(c) directs that the names of individuals or companies be published which are determined by the Council on Wage and Price Stability (CWPS) to be in noncompliance with the Voluntary

Wage and Price Standards requirements of EO 12092.

OFPP Policy Letter No. 78-8, December 27, 1978, which implements Executive Order 12092, provides that companies determined by the CWPS to be in noncompliance shall be ineligible for contract awards anticipated to exceed \$5 million resulting from solicitations or other actions issued on or after February 15, 1979, unless the determination of ineligibility is waived by the agency head.

4. *Substance.* On the effective dates shown below, the Council on Wage and Price Stability has determined that the following companies are not in compliance with the Voluntary Wage and Price Standards formulated pursuant to EO 12092 and are ineligible to be awarded contracts which are expected to exceed 5 million dollars unless the determination of ineligibility is waived by the agency head.

Effective July 17, 1979

Ideal Basic Industries, Inc., Cement Division,
P.O. Box 8789, Denver Colorado 80201.
The Charter Company, 208 Laura Street,
Jacksonville, Florida 32231.

Effective July 24, 1979

Northwestern Steel and Wire Company, 121
Wallace Street, Sterling, Illinois 61081.
Mason Contractors of DuPage County, P.O.
Box 129, Mount Prospect, Illinois 60056.

Dated: August 17, 1979.

Dale R. Babione

Assistant Administrator for Acquisition
Policy.

[FR Doc. 79-28946 Filed 8-28-79; 8:45 am]

BILLING CODE 6820-01-M

[GSA Bulletin FPR 38]

Federal Procurement; Current Interest Rate of 10 1/4 Percent Pursuant to Public Law 92-41

To: Heads of Federal agencies.

1. *Purpose.* This bulletin provides, for the information of executive agencies, the current interest rate established by the Secretary of the Treasury pursuant to Pub. L. 92-41 (85 Stat. 97) for the Renegotiation Board.

2. *Expiration date.* This bulletin expires December 31, 1979, unless sooner revised or superseded.

3. *Background.* The interest rate determined by the Secretary of the Treasury, as required by Pub. L. 92-41 for Renegotiation Act purposes, has been applied to various interest payment requirements in the FPR. For the January 1-June 30, 1979, period, the interest rate was announced in GSA; Bulletin FPR 35. Use of the Renegotiation Act rates will be continued for the present. However, the

propriety of this arrangement is being discussed with the Department of the Treasury.

4. *Agency information.* The Secretary of the Treasury has established an interest rate of 10 1/4 percent as applicable to the 6-month period beginning on July 1, 1979, and ending on December 31, 1979. The following sections of the Federal Procurement Regulations are affected by the interest rate: Sections 1-7.203-15, 1-8.212-1(f), 1-8.701, 1-8.702, 1-8.703, 1-8.704-1, 1-8.706, 1-8.804-2(b), 1-8.806-4, 1-30.403, 1-30.414-2(k)(2), and 1-30.414-2(k)(2), and 1-30.414-2(n)(3).

Dated: August 17, 1979.

Dale R. Babione,

Assistant Administrator for Acquisition
Policy.

[FR Doc. 79-28947 Filed 8-28-79; 8:45 am]

BILLING CODE 6820-01-M

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Health Care Financing Administration

**Pharmaceutical Reimbursement Board;
Final Maximum Allowable Cost
Determinations**

AGENCY: Health Care Financing
Administration (HCFA), HEW.

ACTION: Final Maximum Allowable Cost
Determinations.

SUMMARY: In accordance with 45 CFR 19.5, the Pharmaceutical Reimbursement Board announces the following Final Maximum Allowable Cost (MAC) determinations:

Drug and MAC limit

Diphenoxylate hydrochloride/atropine
sulfate 2.5 mg/0.025 mg tablet, \$0.491.
Methocarbamol, 500 mg tablet, \$0.496.
Methocarbamol, 750 mg tablet, \$0.640.
Sulfisoxazole, 500 mg tablet, \$0.273.
Oxyphenbutazone, 100 mg tablet, \$0.847.
Tetracycline HCl, 125 mg/5 ml syrup, \$0.104.
Doxepin, 100 mg capsule, \$2.900.
Chlordiazepoxide HCl, 5 mg capsule, \$0.140.
Chlordiazepoxide HCl, 10 mg capsule, \$0.211.
Chlordiazepoxide HCl, 25 mg capsule, \$0.438.
Penicillin G, 400 mu tablet, \$0.237.
Penicillin G, 800 mu tablet, \$0.640.

Note.—These MAC limits do not apply to unit dose packaging.

DATES: The effective date of these MAC limits is October 15, 1979.

FOR FURTHER INFORMATION CONTACT:
Mr. Charles Spalding, Acting Executive
Secretary, Pharmaceutical
Reimbursement Board, 6401 Security
Boulevard, 1-C-5 East Low Rise,
Baltimore, Maryland 21235, (301) 594-
5403.

SUPPLEMENTARY INFORMATION: The Pharmaceutical Reimbursement Board has been established within the Health Care Financing Administration to set limits on payment or reimbursement for drug products under HCFA and other HEW programs. On April 10, 1979, the Board proposed MAC limits on 17 drug products. (See 44 FR 21367.) The Board has received written comments and held a public hearing concerning MAC limits on these drugs. The Board now announces final MAC determinations for the products listed above. A summary of the written comments, the presentations at the hearings, other material on which the Board relied in determining each MAC limit, and the Board's reasons for its determinations, follows:

1. General Comments

We received a number of general comments on the proposed MAC limits. One commenter suggested that the April 10, 1979, notice was a significant departure from the previous practice of the Board, in that some of the proposed MACs are based on direct purchase prices and the *Red Book* advertised prices. We note that, by regulation, the Board is to determine the lowest unit price at which a particular multiple source drug is widely and consistently available. The exact method or details of making these determinations are not specified. The Board has relied and continues to rely on the HCFA survey,¹ which shows invoice prices of actual pharmacy transactions. We also believe that *Red Book* advertised prices are an important tool in determining the price levels at which drugs are available in the marketplace; however, the Board has never relied solely on *Red Book* prices. Even where *Red Book* prices are the only figures available for a drug when a MAC is proposed, the Board has not established any MAC limits on such a drug in the absence of supporting information received during the comment period indicating the availability of the drug. With regard to direct prices, the Board will use a direct price only if it is clear that a product is widely and consistently available at the direct price. We do not simply choose the lowest price found. The Board, therefore, does not consider its April 10, 1979 notice to be a departure from its earlier policies.

Another comment claimed that the MAC program was making Medicaid patients "second-class citizens", since

¹ The HCFA survey is a summary of pharmacy invoice prices obtained by HCFA under contract with IMS America. The survey price is based on the 70th percentile of invoice prices. The survey is updated monthly.

pharmacists would turn them down on their prescriptions. The underlying premise of the MAC program is that, for those drugs for which FDA has provided the required assurance, the generic products are the equivalent of the brand name products. Thus, the MAC program does not jeopardize the quality of drug therapy for Medicaid recipients. As for availability at the MAC levels, we believe that the MAC procedures, which include a significant element of public participation, provide assurance that MAC limits established are not so low that the product is not widely and consistently available. We do not claim that all sales of a drug are within MAC limits, but rather that there is sufficient availability of the drug at MAC levels and that it can be readily obtained at those levels.

Several comments suggested that the proposed MAC limits should not apply to drug purchased in unit dose packages, since the product costs for these products often exceed the MAC limits, and are often available from only one source in this form. The Board acknowledges that the MAC limits can be inappropriate for drugs purchased in unit dose packaging and has determined that these MAC limits will not apply to unit dose packaging.

A pharmacist asked how frequently MAC limits would be updated. To this point, we have already lowered four existing MACs based on changes in market data, and suspended four other announced limits when it became clear that our information was in error. We will continue to review the market data on all existing MACs, and will adjust the limits as necessary.

A wholesaler from Florida, Lawrence Pharmaceuticals, provided a report on the availability of drugs at the proposed MAC limits. The report gathered information from nine wholesalers and 241 pharmacies in Florida. The findings of this report are included in the comments on specific drugs in this notice.

One pharmacist expressed reluctance to dispense a generic product for which he did not know the manufacturer. This pharmacist expressed the view that the name of the manufacturer should be on each label. The Board itself supports, but does not have the authority to require, manufacturer labeling. In the absence of such labeling, the Board accepts and confidently relies on FDA's assurances that there are no bioequivalence problems with the marketed drug products. As for the practicing pharmacist, if the name of the manufacturer is not on the drug label, he is always free to contact his supplier to ascertain the product manufacturer.

2. Diphenoxylate HC1/atropine sulfate, 2.5 mg/0.25 mg tablet

On February 28, 1979, in response to the Board's request, the Food and Drug Administration notified the Board that all approved manufacturers of diphenoxylate HC1/atropine sulfate, 2.5 mg/0.25 mg tablets had submitted bioequivalence data and that there were no bioequivalence or quality issues which would delay or prevent the establishment of a MAC limit for the product. On April 10, 1979, the Board announced in the Federal Register a proposed MAC limit of \$.0491 per tablet.

At \$.0491, this tablet is advertised in the *Red Book* as being available from Smithkline, the sixth largest ethical Pharmaceutical manufacturer in the United States. There are 12 other distributors who advertise this product in the *Red Book* at or below the proposed MAC limit. In addition, three of the six State MAC limits currently in effect are at or below the MAC limit proposed by the Board.

We received the following written comments concerning diphenoxylate HC1/atropine sulfate. Three distributors sent us their price lists, and all of the lists indicated that the product was available below the proposed MAC limit. A wholesaler informed us that it sold the product to hospitals and pharmacies in its trading area below the proposed MAC level. A pharmacist wrote that he could obtain the drug at the MAC level.

Smithkline confirmed that its product was generally available from wholesalers at the proposed MAC price, as was indicated in the notice. The report from Lawrence Pharmaceuticals indicated that eight of the nine wholesalers surveyed stock the product, within the MAC limit, from at least one supplier. One hospital wrote that its purchases of the product were above the proposed MAC levels. However, in view of the strong supporting comments and our original information concerning availability, we are convinced that the product is widely and consistently available at the proposed levels.

Two comments called attention to the fact that the product is a "controlled substance," subject to rules of the Federal Drug Enforcement Administration because of its abuse potential. These comments claimed that the cost of dispensing a controlled substance is greater than the cost of dispensing other drugs because additional records must be kept and certain security requirements must be met. These comments seemed to suggest that a higher dispensing fee should be set for controlled substances. We note

that it is the responsibility of the individual States, rather than the Federal Government, to set dispensing fees for Medicaid programs. (See 42 CFR 447.333.) In establishing these dispensing fees, States are to take into account the costs of handling all of the different types of prescriptions dispensed in pharmacies including both those which require much time, skill and handling and those for which dispensing is more easily handled. The dispensing fee, which is finally established by the State, may well be excessive for some prescriptions, inadequate for those at the other end of the scale but, on balance, will cover the costs the pharmacist incurs in dispensing the total of his prescriptions. Since the MAC program limits the acquisition cost of a drug rather than the dispensing fee, and since it is the responsibility of the State agencies to establish adequate dispensing fees, we do not believe that the "controlled substance" issue should prevent us from establishing a MAC limit on diphenoxylate HC1/atropine sulfate.

Searle Company expressed concern regarding bioequivalence problems, specifically that "diphenoxylate hydrochloride and atropine sulfate clearly meet two of FDA's criteria for bioequivalence. These are (1) that the active drug ingredient has low solubility in water and (2) that this drug product has a high ratio of excipients to active ingredients." Searle claimed that, based upon these facts FDA was obligated to presume bioequivalence with the diphenoxylate HC1/atropine sulfate combination.

In a response dated June 18, 1979, the FDA stated: "We have reviewed the Searle letter and find nothing in it which causes us to change our original recommendation to the Board dated February 28, 1979. Searle's conclusion that FDA erred in its description of the diphenoxylate/atropine drug as therapeutically equivalent in our proposed List of Approved Drug Products with Therapeutic Equivalence Evaluations and as not posing a known or potential bioequivalence problem appears to be based upon a misinterpretation of the agency's bioequivalence regulations (21 CFR 320.52). We will not discuss the validity of Searle's assertion that the product in question meets two of the 12 factors stated in the regulation. However, the presence of these factors, even if substantiated, does not require FDA to presume bioequivalence. Contrary to the suggestion in the Searle letter, the regulation clearly states that the Commissioner shall consider these

factors to identify drugs having potential bioequivalence problems and hence to propose or promulgate bioequivalence requirements. The fact that a drug may meet one or more of the 12 criteria does not necessarily mandate its inclusion as a bioequivalence drug.

"It should also be noted that there are procedures for petitioning the FDA to add drugs in our list of those presenting bioequivalence issues. Searle has not availed itself of these procedures.

"We continue to advise the Board that we know of no reason to delay or prevent the establishment of a MAC limit on diphenoxylate HC1/atropine sulfate tablets."

On June 19, 1979, after reviewing the entire record, the Board voted to establish a proposed final MAC limit of \$.0491 per tablet of diphenoxylate HC1/atropine sulfate, 2.5 mg/0.025 mg. On August 23, 1979, the Administrator of HCFA concurred.

3. Methocarbamol, 500 and 750 mg tablets

On February 28, 1979, in response to the Board's request, regarding methocarbamol, 500 mg and 750 mg tablets, the Food and Drug Administration notified the Board that, "This drug requires an approved new drug application for marketing. We are aware of no known or potential bioequivalence problem with this drug, and no bioequivalence requirement regulation is anticipated. There is a compendial standard for methocarbamol tablets, but we regard the methodology as poor and not as sensitive to the detection of contaminants as is desirable. There are differences of opinion in the Bureau as to the appropriateness of establishing MAC limits for this drug. In the absence of evidence of a known problem with the drug products themselves, we will not recommend against the establishment of a MAC." On April 10, 1979, the Board published in the *Federal Register* the following proposed MAC limits (44 FR 21367).

For the methocarbamol 500 mg tablet, the Board proposed a MAC limit of \$.0496 per tablet. At this price, the HCFA survey reveals that the product is available from Lederle Laboratories, the 18th largest ethical pharmaceutical manufacturer in the United States. In addition, the product is advertised in the *Red Book* as being available at or below the proposed price from 21 other suppliers. For the methocarbamol 750 mg tablet, the Board proposed a MAC limit of \$.0595 per tablet. At this price, the HCFA survey reveals that the product is available from Lederle Laboratories, and 18 additional

suppliers advertise this product in the *Red Book* at or below the proposed MAC limit.

We received the following comments concerning methocarbamol tablets. Lederle Laboratories stated that it "will be able to adequately distribute and supply such portions of the methocarbamol (500 and 750 mg) market for those who wish to purchase these products from Lederle." Lederle further stated that it would be able, if deemed appropriate and necessary, to increase capacity to distribute methocarbamol, consistent with its other business commitments and product demands. According to Lederle's submission, the major portion of its products are distributed directly to retailers.

Three wholesalers provided information indicating that the 500 and 750 mg strengths of methocarbamol could be provided at or below the proposed MAC limits. A pharmacist wrote that he could obtain both strengths of methocarbamol at the proposed MAC limit. On the other hand, two wholesalers, three pharmacists, one manufacturer, and one State agency commented that neither strength of methocarbamol tablets was available at or below the proposed MAC limit. The results of the survey from Lawrence Pharmaceuticals were mixed. For the 500 mg tablet, only one of the nine wholesalers and 72 of the 241 pharmacies stocked Lederle's product; Lawrence's study also purported to show that the single unit price of the Lederle product was above the proposed MAC. For the 750 mg tablet, the Lawrence report indicated that four of the nine wholesalers stocked the product at or below the proposed MAC and all pharmacies in the sample stocked one of six available generic brands.

A. H. Robin's Company, a manufacturer of methocarbamol, argued against the establishment of MAC levels on the drug for a number of reasons. Robins raised questions concerning the purity and stability of methocarbamol raw material and claimed that additional testing required of Robins, by FDA, put them at a competitive disadvantage. FDA responded to Robins' contentions as follows:

"(Robin's) letter does raise three points regarding drug quality . . . 1. The currently marketed products contain varying levels of substances which are artifacts of the synthesis or degradation of methocarbamol.

2. Robins has done more work on the chemistry of these substances than other manufacturers, and only the Robins product is subject to testing requirements not imposed on other

manufacturers. As yet, the issues presented by these substances have not been resolved by FDA.

3. The current compendial method for methocarbamol is not adequate to detect these impurities.

"In essence we would agree with all of these points but not with Robins' conclusion that the MAC limits should not be established.

For quite some time we have been aware of some problems with the compendial methodology for methocarbamol. . . . The problem of improving the assay methods to make it stability indicating and to detect artifacts of synthesis is actively being addressed in the context of the Bureau's compendial testing program. There are, so far as we presently know, only three contaminants associated with methocarbamol. The major one, which appears to be a degradation product, is guaifenesin. This chemical is generally at levels below 1 percent and poses no health significance, since it is a commonly used ingredient in non-prescription expectorants (in dosages of 100 mg to 300 mg). It is this 1 percent level that Robins refers to as "additional requirements" imposed by FDA on its products. We do not contemplate instituting across-the-board requirements on all products until we have completed the methods development and survey phase of our compendial testing program for methocarbamol.

"The other major components . . . have been identified, but there is no indication of toxicity from published sources. We have no reason to believe that the secondary isomers, which appear to be artifacts of the methocarbamol synthesis, pose any significant toxicity. In any event, our survey, using preliminary methods which are currently being improved, shows the contaminants to be distributed in all of the raw material tested, including methocarbamol used by Robins.

"In light of these results, it appears that there is no cause for concern regarding the public health consequences of impurities in methocarbamol, and that whatever new requirements may be imposed as a result of our compendial testing program will affect all suppliers of methocarbamol to the same degree.

"Therefore, we do not believe the Robin's letter is persuasive, and we see no reason to delay or prevent the establishment of a MAC limit for methocarbamol tablets."

Robins also argued that the MAC program would stifle future innovations in health care by A. H. Robins. We note

that a major federal incentive towards pharmaceutical innovation is the patent system, and that Robins has already received the benefits of its research and development through its patent on methocarbamol (now expired).

The Medicare and Medicaid programs were established to finance health care for the aged, the disabled, and the poor, not to finance pharmaceutical research. The Board continues to believe that its proper function is to take advantage of existing price differences in the marketplace in order that Medicare and Medicaid patients will continue to receive quality care at competitive prices.

Robins claimed that the Board had overestimated the savings to be gained from the establishment of MAC limits on methocarbamol, since "methocarbamol is not a product which would be indicated for any extensive use by typical Title XIX program recipients." The Board does not believe that there is any evidence whatever that the use of methocarbamol, a muscle relaxant, by Medicaid recipients is different from its use by the general public, and thus we stand by our annual savings estimates of \$29,800 for the 500 mg tablet, and \$323,000 for the 750 mg tablet. Even if these figures were overestimated to some degree, the savings to the government, and to the taxpayers, would still be significant. Robins attempted to break down these savings estimates to a "per pharmacy" figure, and concluded that the savings per pharmacy would be minimal. We consider the overall figure to be the more relevant and consider \$350,000 a year to be a significant amount.

Robins also noted that there had been recent market shifting from the Robins products to a newly introduced, patented, higher priced muscle relaxant. Robins attempted to fix some relationship between the MACing of methocarbamol and the shift to a higher priced alternative. The Board sees no relationship between MAC limits on methocarbamol and this market shift, and does not consider it necessary that it be the protector of Robins' market.

On June 19, 1979, after reviewing the entire record on methocarbamol tablets, the Board voted to establish a proposed final MAC limit of \$.0496 for the 500 mg tablet. At this price the Board is convinced that the 500 mg tablet is widely and consistently available. Also on June 19, 1979, after reviewing the record, the Board voted to increase the MAC limit on the 750 mg tablet to \$.0640 per tablet. The Board believes that this level assures wide and consistent availability and is one which includes

the Lederle product. The Administrator concurred on August 23, 1979.

4. Sulfisoxazole, 500 mg tablet

On February 28, 1979, in response to the Board's request, the Food and Drug Administration notified the Board that, "In a survey three years ago, all marketed products tested were shown to be bioequivalent. All approved firms except one have submitted acceptable bioequivalence data. There is a compendial standard for the drug which appears adequate. We know of no pending regulatory or quality problems which should delay or prevent the establishment of a MAC limit for sulfisoxazole, 500 mg tablets."

On April 10, 1979, the Board proposed a MAC limit of \$.0240 per tablet. At that price, the HCFA survey revealed that the product was available from Smithkline. It was also advertised in the *Red Book* as being available from 14 other suppliers.

During the comment period, Smithkline informed us that it had increased its price since the period of the latest HCFA survey. While its average wholesale price had been \$.0236, a price within the proposed MAC limit, the current AWP was \$.0273 per tablet. In order to assure availability of the product at the MAC level, the Board's proposed final determination of the MAC levels took this information into account, and established the MAC at \$.0273 per tablet.

The Lawrence Pharmaceuticals report indicated that one of the nine wholesalers stocked the product at the proposed level, and that three others stocked the Smithkline product, but above the proposed limit. We believe that the final MAC, which takes into account the Smithkline increase, will cover the Smithkline product at these warehouses. One distributor, three wholesalers, five pharmacists and one hospital commented that the product was available at or below the proposed MAC limit. Another wholesaler stated that the product was available at the proposed price level only with quantity purchases.

On June 19, 1979, after considering the entire record, the Board voted to establish a proposed final MAC determination of \$.0273 per 500 mg tablet. The Administrator of HCFA concurred on August 23, 1979.

5. Oxyphenbutazone, 100 mg tablets

On February 28, 1979, in response to the Board's request, the Food and Drug Administration notified the Board that bioequivalence is not an issue for this drug since only one manufacturer held an approved application for marketing

of the drug. Additionally, FDA knew of no pending regulatory or quality problems which would prevent or delay the establishment of a MAC limit for oxyphenbutazone, 100 mg tablets.

On April 10, 1979, the Board proposed MAC limits of \$.0799 per tablet. At this price, the HCFA survey revealed that the product was available from USV, the 20th largest pharmaceutical manufacturer in the United States.

During the comment period, we received notice from USV Laboratories that, as a result of a price increase effective April 2, 1979, the suggested wholesaler resale price of the product was \$.0847 per tablet, rather than \$.0799 per tablet. The report from Lawrence Pharmaceuticals showed that eight of the nine wholesalers, and 172 of 241 pharmacies, stock the USV product. A wholesaler and one pharmacist commented that the product was available at the MAC level. Six wholesalers, seven pharmacists, and one hospital wrote that the product was not available at the proposed price. However, since the Board has taken into account the USV price increase in its final determination, we believe that the product is widely and consistently available at the higher priced level.

On June 29, 1979, after reviewing the entire record, the Board voted to establish a proposed final MAC limit of \$.0847 per 100 mg oxyphenbutazone tablet. The Administrator of HCFA concurred on August 23, 1979.

6. Tetracycline HCl, 125 mg/5 ml syrup

On February 28, 1979, in response to the Board's request, the Food and Drug Administration notified the Board that tetracycline is a certifiable antibiotic requiring both premarketing approval and batch certification. All approved manufacturers have submitted bioequivalence data on their products. FDA knew of no pending regulatory or quality problem which would prevent or delay the establishment of a MAC limit for tetracycline HCl, 125 mg/5 ml syrup.

On April 10, 1979, the Board proposed a MAC limit of \$.0081 per ml. At this price, the HCFA survey revealed that the product was available from Upjohn, the tenth largest pharmaceutical manufacturer in the United States and that the Upjohn product accounts for 5.8 percent of the market for this drug. Additionally, the product is advertised in the *Red Book* as being available from 22 other suppliers at or below this price.

Several comments claimed that the MAC limit was too low. Two wholesalers and two pharmacists stated that the product was unavailable at the proposed levels. Smithkline stated that the proposed MAC limit appeared to be

based upon the direct deal or volume purchase price of Upjohn, that the proposed price was lower than Upjohn's direct price and that it is inappropriate to set a MAC price that is encumbered by a volume purchase condition. The survey by Lawrence Pharmaceuticals also showed that the proposed limit might be too low.

Although three wholesalers and one hospital did indicate that the product was available at the MAC price, the Board determined that a higher level was necessary to insure wide and consistent availability. The HCFA survey revealed that the Pfipharmecs and Smithkline products would be within the MAC limit if it were raised to \$.0104. The Lawrence survey showed that seven of the nine wholesalers stocked the Pfipharmecs product at or below \$.0104, and five of the nine wholesalers stocked Smithkline's product at or below that price.

On June 19, 1979, the Board voted to establish a proposed final MAC determination of \$.0104 per ml of tetracycline HCl, 125 mg/5 ml syrup. The Administrator of HCFA concurred on August 23, 1979.

7. Doxepin, 100 mg capsules

On October 25, 1978, in response to the Board's request, the Food and Drug Administration notified the Board that the marketed products of doxepin, 100 mg capsules, met bioequivalence requirements. Therefore, FDA saw no problems which would prevent or delay the establishment of a MAC for this drug. On February 28, 1979, in response to an additional request from the Board, the Food and Drug Administration notified the Board that it was not aware of any regulatory or quality issues which would affect the existing MAC limits for doxepin HCl, 100 mg capsules.

The Board proposed a MAC limit of \$.2900 per capsule for doxepin HCl, 100 mg capsules. At this price, the HCFA survey reveals that the product is available from Pennwalt and that the Pennwalt product accounts for 2.9 percent of the market for this drug.

Pfizer, Inc. submitted a statement arguing that a MAC limit should not be set on 100 mg doxepin HCl capsules. Pfizer supported its claim by reference to the extensive materials it had earlier submitted to the Board in opposition to the establishment of MAC limits on 10, 25, and 50 mg doxepin capsules. The Board rejects Pfizer's arguments, for the reasons set forth at 43 FR 57972 (Dec. 11, 1978), where the Board established MAC limits on 10, 25, and 50 mg doxepin capsules.

Two wholesalers and one pharmacist wrote that the product was available at

the proposed MAC limit. However, several other wholesalers and several pharmacists questioned the availability of the product at the MAC limit, since Pennwalt and Pfizer were the only distributors of doxepin HCl and this availability was entirely dependent on the Pennwalt price. The Lawrence Pharmaceuticals survey indicated that all nine wholesalers stock the Pennwalt product, but only three were at the proposed MAC limit while six were above. Two wholesalers wrote that the pricing policy of Pennwalt leaves the establishment of wholesale prices to the wholesaler, and claimed that the product price at \$.2900 per 100 capsules is a minimum price from the wholesalers, based on a minimum gross margin, not average wholesale price.

The Board remains convinced that the Pennwalt product is widely and consistently available; the only question is whether it is available at \$.2900 per 100 mg capsule. Based on the HCFA survey and the supporting comments, we continue to believe that the product is available at that price.

On June 29, 1979, after considering the entire board, the Board voted to establish a proposed final MAC limit of \$.2900 per 100 mg doxepin HCl capsule. The Administrator of HCFA concurred on August 23, 1979.

8. Chlordiazepoxide HCl, 5, 10, and 25 mg capsules

Final MAC limits on chlordiazepoxide HCl, 5, 10, and 25 mg capsules went into effect on May 18, 1978. Since that time, a number of lower prices have appeared in the marketplace, and in response, the Board began proceedings to lower the existing MAC limits on chlordiazepoxide.

On March 5, 1979, FDA notified the Board that it was not aware of any regulatory or quality problem which should affect the MAC limits for chlordiazepoxide HCl 5, 10, and 25 mg capsules. On April 10, 1979, the Board proposed MAC limits for chlordiazepoxide as follows.

For the 5 mg chlordiazepoxide HCl capsules, the Board proposed a MAC limit of \$.0140 per capsule. At this price, the HCFA survey reveals that the product is available from Lederle Laboratories, the 19th largest pharmaceutical manufacturer in the United States. In addition, 13, other suppliers advertise the product in the *Red Book* at prices below the recommended MAC limit.

For the 10 mg chlordiazepoxide HCl capsules, the Board proposed a MAC limit of \$.0211 per capsule. At this price, the HCFA survey reveals the product is available from Lederle Laboratories. In

addition, the proposed MAC limits would cover the HCFA survey prices from Parke Davis, Purepac, Rachelle and Generix as well as the advertised *Red Book* prices from 15 additional suppliers.

For 25 mg chlordiazepoxide capsules, the Board proposed a MAC limit of \$.0438 per capsule. At this price, the HCFA survey reveals the product is available from Smithkline, the 16th largest pharmaceutical manufacturer in the United States, as well as from Generix Drug. In addition, 19 other distributors advertise this product in the *Red Book* at prices lower than the proposed MAC limit.

We received the following comments. The Lawrence survey showed that two of the nine wholesalers stock the 5 mg capsule at the MAC price, one stocks the 10 mg capsule at that price, and eight of nine stock the 25 mg capsule at the proposed price. Smithkline stated that its 25 mg capsule was available through wholesalers at the proposed price, but questioned the availability of 5 and 10 mg capsules. Several pharmacists and wholesalers claimed that the drug was available at the proposed levels only when purchased in quantity, or that it was not available at all at the proposed prices. On the other hand, one wholesaler commented that it could supply all three strengths of the product at the proposed level. The Board reviewed the conflicting evidence of availability, and determined that the three strengths of chlordiazepoxide were widely and consistently available at the proposed limit.

Three comments noted that chlordiazepoxide is a controlled substance and expressed concern that the Board had used the 500 count package size rather than the 100 count package size. Although the 500 size is the most frequently purchased, these comments insisted that the Board's action was inconsistent with the Drug Enforcement Administration's recommendation that pharmacies maintain minimal inventories of controlled substances. Although we are sympathetic to this concern, we note that the 500 package is the most frequently purchased package size, so that bottles of 500 are not at all infrequently found in the marketplace. In addition, the MAC regulations require the Board to use the most frequently purchased package size in determining the unit price of a drug. We do not believe that the imposition of MAC limits on a controlled substance will substantially increase the possibilities for its abuse.

On June 19, 1979, after considering the entire record, the Board voted to establish proposed final MAC

determinations of \$.0140, \$.0211, and \$.0438 for the 5, 10, and 25 mg chlorthalidone HCl capsules respectively. The Administrator of HCFA concurred on August 23, 1979.

9. Penicillin G Potassium, 400 and 800 mu tablets

On July 27, 1978, in response to the Board's request, FDA notified the Board with regard to penicillin G potassium 400 and 800 mu tablets: "This drug is a certifiable antibiotic and is subject to the batch certification requirements of the Federal Food, Drug and Cosmetic Act. All but one of the eight approved manufacturers have submitted bioequivalence data. That manufacturer has been asked to submit such data, but we have no reason to believe that any of the marketed products has a bioequivalence problem. In the unlikely event that the bioequivalence study shows a problem, we will notify the Board immediately, but in the interim we see no reason to delay the establishment of MAC limits for this drug.

For the 400 mu tablets, the Board proposed a MAC limit of \$.0237 per tablet. At this price, the product was advertised in the *Red Book* as being available from Smithkline; a later HCFA survey also revealed that the Smithkline product was being sold at this price. For the 800 mu tablet, the Board proposed a MAC limit of \$.0528 per tablet. At this price, the product was advertised in the *Red Book* as being available from Smithkline.

We received the following comments. Smithkline stated that both the 400 mu and 800 mu tablets were available at the proposed MAC level. The Lawrence survey indicted that seven of the nine wholesalers stock the 400 mu Smithkline product at the proposed MAC levels, and all nine wholesalers stock the 800 mu Smithkline tablets at the proposed level. A wholesaler and a pharmacist wrote that both strengths of the product were available at the proposed limit; on the other hand, several pharmacists and a hospital insisted that at least one of the strengths was not available at the proposed price.

On June 19, 1979, the Board voted to establish a proposed final MAC limit of \$.0237 per 400 mu tablet. In order to assure wide and consistent availability of the 800 mu tablet at the MAC level, the Board raised the limit from the proposed price to \$.0640 per tablet, a price which also included the Pfizer product. Also on June 19, 1979, the Board voted to establish a proposed final MAC limit of \$.0640 per 800 mu tablet. The Administrator of

HCFA concurred with the 400 and 800 mu tablet limits on August 23, 1979.

10. Erythromycin Ethylsuccinate, 200 mg/5 ml and 400 mg/5 ml oral liquid

On April 10, 1979, the Board proposed MAC limits on 200 mg/5 ml and 400 mg/5 ml erythromycin ethylsuccinate oral liquid. We received 29 comments from pharmacists, wholesalers, manufacturers, and a hospital on the proposed MAC limits. All of the comments stated that the products were not available at the proposed levels. On June 19, 1979, the Board voted not to establish MAC limits on erythromycin ethylsuccinate oral liquid at this time.

11. Hydralazine 25 and 50 mg tablets

On April 10, 1979, the Board proposed MAC limits on 25 and 50 mg hydralazine tablets. A hearing on these proposed MAC's was held on May 30. On May 29, Ciba Geigy Corporation submitted information concerning possible clinical failures of generic hydralazine. Although the comment period for the drug had already closed on May 15, 1979, the Board accepted this submission because it raised the possibility of some danger to the public health. FDA is now reviewing Ciba Geigy's submission. The Board has left open the record on this drug.

12. Minocycline, 100 mg capsules

On April 10, 1979, the Board proposed MAC limits on 100 mg minocycline capsule. Our information indicated that the product was available from two sources—Lederle and Parke Davis. We proposed a MAC limit at the lower (Parke Davis) price.

Lederle has informed us that it is the patent holder for minocycline, that its supply agreement with Parke Davis has been cancelled pursuant to its terms and that Lederle is now the sole source for this product.

On June 19, 1979, the Board voted not to establish MAC limits on minocycline at this time.

Dated: August 9, 1979.

Charles S. Spalding,

Acting Executive Secretary, Pharmaceutical Reimbursement Board.

Approved: August 23, 1979.

Leonard D. Schaeffer,

Administrator, Health Care Financing Administration.

[FR Doc. 79-28877 Filed 8-28-79; 8:45 am]

BILLING CODE 4110-35-M

Human Development Services

Developmental Disabilities Program; Intention to Reallot Funds

Section 132(d) of the Developmental Disabilities Services and Facilities Construction Act, (the Act) as amended by Pub. L. 95-602, provides that the amount of a State's fiscal year allotment which will not be required by that State shall be available for reallocation to other States.

However, reallocations cannot be made until September 28, 1979.

Notice is hereby given that the following allotments reserved for American Samoa, the Northern Mariana Islands and Trust Territory will not be required. The available funds will be reallocated in accordance with the provisions of Section 132(d) of the Act.

Reprogrammed Funds

Basic support	Protection and advocacy
\$150,000	\$30,000

It is the intention of the Secretary that the above amounts be reallocated as follows:

State	Basic support	State	Protection and advocacy
Alabama	\$3,386	Alaska	\$449
Arizona	1,580	Arizona	449
Arkansas	1,899	Arkansas	449
California	12,769	California	1,947
Colorado	1,841	Colorado	449
Connecticut	1,887	Connecticut	449
Delaware	1,196	Delaware	449
Dist. of Col.	1,196	Dist. of Col.	449
Florida	5,623	Florida	876
Georgia	3,920	Hawaii	449
Hawaii	1,196	Idaho	449
Illinois	6,892	Indiana	620
Indiana	3,854	Iowa	449
Iowa	2,132	Kansas	449
Kansas	1,554	Kentucky	524
Kentucky	3,178	Louisiana	534
Louisiana	3,291	Maine	449
Maine	1,196	Maryland	449
Maryland	2,530	Massachusetts	637
Massachusetts	3,880	Michigan	987
Michigan	6,155	Minnesota	456
Minnesota	2,761	Mississippi	449
Mississippi	2,375	Missouri	591
Missouri	3,594	Montana	449
Montana	1,196	Nebraska	449
Nebraska	1,196	Nevada	449
New Hampshire	1,196	New Hampshire	449
New Jersey	4,432	New Jersey	726
New Mexico	1,196	New Mexico	449
New York	11,778	New York	1,927
North Carolina	4,643	North Dakota	449
North Dakota	1,196	Ohio	1,211
Oklahoma	2,161	Oklahoma	449
Pennsylvania	8,698	Oregon	449
Rhode Island	1,196	Pennsylvania	1,444
South Dakota	1,196	Rhode Island	449
Tennessee	3,616	South Carolina	449
Texas	8,816	South Dakota	449
Utah	1,196	Tennessee	580
Vermont	1,196	Texas	1,427
Virginia	3,580	Utah	449
West Virginia	2,100	Vermont	449
Wisconsin	3,418	Virginia	591
Wyoming	1,196	Washington	449
Guam	478	West Virginia	449
Puerto Rico	4,220	Wisconsin	562

State	Basic support	State	Protection and advocacy
Virgin Islands	478	Wyoming	449
		Puerto Rico	621
		Virgin Islands	269

Consideration will be given to any comments on this proposed reallocation of funds if received on or before September 28, 1979. Comments must be in writing and submitted to the Director, Bureau of Developmental Disabilities, Department of Health, Education, and Welfare, 330 C Street, SW., Washington, D.C. 20201.

(Catalog of Federal Domestic Assistance Program No. 13.630 Developmental Disabilities—Basic Support.)

Dated: July 5, 1979.

Evelyn Provitt,

Acting Commissioner of Rehabilitation Services Administration.

Dated: August 23, 1979.

Arabella Marbinuz,

Assistant Secretary for Human Development Services.

[FR Doc. 79-26896 Filed 8-28-79; 8:45 am]

BILLING CODE 4110-92-M

National Institutes of Health

Annual NIH Instrumentation Symposium

Notice is hereby given that the Division of Research Services, Biomedical Engineering and Instrumentation Branch, National Institutes of Health, will hold the Annual NIH Instrumentation Symposium October 3-5 1979, at the Masur Auditorium, Building 10 Clinical Center, NIH, Bethesda, Maryland. The symposium consists of a morning and an afternoon session each day. The purpose of the symposium is to acquaint NIH researchers with the state-of-the-art in selected areas of research instrumentation development. Each session has three or four speakers discussing related aspects of a particular type of instrumentation, including design and application. The sessions for this year are on Positron Scanning, Particle Separation Methods, Physical Methods of Structure Determination, Picosecond Spectroscopy, Ultrasonic and Field Ionization Microscopy, and Applications of Energy Loss Spectroscopy.

Request for information should be directed to Dr. John I. Peterson, DRS, BEIB, National Institutes of Health, Building 13, Room 3W-13, Bethesda, Maryland, 20014, Telephone: (301) 496-5771.

Dated: August 21, 1979.

Suzanne L. Freneau,
Committee Management Officer, National Institutes of Health.

[FR Doc. 79-26773 Filed 8-28-79; 8:45 am]

BILLING CODE 4110-08-M

Arteriosclerosis, Hypertension, and Lipid Metabolism Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Arteriosclerosis, Hypertension, and Lipid Metabolism Advisory Committee, National Heart, Lung, and Blood Institute, October 12, 1979, Conference Room 6C-01, 6th Floor, Federal Building, 7550 Wisconsin Avenue, Bethesda, MD. The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on Friday, October 12, to evaluate program support in Arteriosclerosis, Hypertension, and Lipid Metabolism. Attendance by the public will be limited on a space available basis.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, Room 4A-21, Building 31, National Institutes of Health, Bethesda, Maryland 20205, Phone (301) 496-4236, will provide summaries of the meeting and rosters of committee members.

Dr. Gardner C. McMillan, Associate Director for Etiology of Arteriosclerosis and Hypertension Program, NHLBI, Room 4C-12, Federal Building, National Institutes of Health, Bethesda, Maryland 20205, Phone (301) 496-1613, will furnish substantive program information.

Dated: August 21, 1979.

Suzanne L. Freneau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-26776 Filed 8-28-79; 8:45 am]

BILLING CODE 4110-08-M

Biotechnology Resources Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Biotechnology Resources Review Committee, Division of Research Resources, September 24-25, 1979, The Gazebo, Department of Chemistry, Stanford University, Stanford, California 94305. This meeting will be open to the public September 24 from 9:00 a.m. to 5:00 p.m. and on September 25 from 9:00 a.m. to adjournment for (1) introductory remarks, (2) Program status reports, and (3) discussion of the Program. Attendance by the public will be limited to the space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section

10(d) of Pub. L. 92-463, the meeting will be closed to the public on September 24 from 5:00 p.m. until recess and September 25 from 8:30 to 9:00 a.m. for the review, discussion, and evaluation of individual research prospectuses submitted by organizations seeking access to PROPHET System services. These prospectuses and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the prospectuses, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Bldg. 31, Room 5B-13, National Institutes of Health, Bethesda, Maryland 20205, telephone area code 301 496-5545, will provide summaries of meetings and rosters of Committee members.

Dr. Charles L. Coulter, Executive Secretary, Biotechnology Resources Review Committee, Division of Research Resources, Bldg. 31, Rm. 5B-41, National Institutes of Health, Bethesda, Maryland 20205, telephone area code 301 496-5411, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.371, National Institutes of Health.)

Dated: August 20, 1979.

Mrs. Suzanne L. Freneau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-26771 Filed 8-28-79; 8:45 am]

BILLING CODE 4110-08-M

Blood Diseases and Resources Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Blood Diseases and Resources Advisory Committee, National Heart, Lung, and Blood Institute, October 15 and 16, 1979, National Institutes of Health, Building 31, Conference Room 8, Bethesda, Maryland 20205.

The entire meeting will be open to the public from 9:00 AM-5:00 PM, October 15, and from 8:30 AM-4:30 PM, October 16, 1979, to discuss the status of the Blood Diseases and Resources program, needs, and opportunities. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, phone: (301) 496-4236, will

provide summaries of the meeting and rosters of the committee members.

Dr. Fann Harding, Special Assistant to the Director, Division of Blood Diseases and Resources, National Heart, Lung, and Blood Institute, Federal Building, Room 514, National Institutes of Health, Bethesda, Maryland 20205, phone: (301) 496-1817, will furnish substantive program information

Dated: August 21, 1979.

Suzanne L. Freneau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-26777 Filed 8-28-79; 8:45 am]

BILLING CODE 4110-08-M

Board of Regents' Subcommittee for the Review of Competitive Regional Medical Library Contract Proposals; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Regents' Subcommittee for the Review of Competitive Regional Medical Library Contract Proposals on September 28, 1979, from 1:00 p.m. to 5:00 p.m., in Conference Room "B" of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland.

In accordance with provisions set forth in Sections 552b(c)(4), 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the entire meeting will be closed to the public from 1:00 p.m. to 5:00 p.m. on September 28 for the review, discussion and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. Sheldon Kotzin, Regional Medical Library Program Coordinator, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20209, Telephone Number: 301-496-4671, will furnish a summary of the meeting, rosters of Subcommittee members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13-879—National Institutes of Health.)

Dated: August 22, 1979.

Suzanne Freneau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-26770 Filed 8-28-79; 8:45 am]

BILLING CODE 4110-08-M

Board of Regents; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Regents of the National Library of

Medicine on October 4-5, 1979, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, and the meeting of the Extramural Programs Subcommittee of the Board of Regents on the preceding day, October 3, 1979, from 2:00 p.m. to 4:00 p.m., in Conference Room "B" of the Library.

The meeting of the Board will be open to the public from 8:30 a.m. to 5:00 p.m. on October 4 and from 9:00 a.m. to 11:00 a.m. on October 5 for administrative reports and program discussions. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4), 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the entire meeting of the Subcommittee on October 3 will be closed to the public, and the regular Board meeting on October 5 will be closed from 11:00 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert B. Mehnert, Chief, Office of Inquiries and Publications Management, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20209, Telephone Number: 301-496-6308, will furnish a summary of the meeting, rosters of Board members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13-879—National Institutes of Health.)

Dated: August 22, 1979.

Suzanne Freneau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-26769 Filed 8-28-79; 8:45 am]

BILLING CODE 4110-08-M

Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Allergy and Infectious Diseases, October 11, 1979, in Building 10, Room 11N232, and on October 12, 1979, in Building 31, Room 7A-24, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on October 11, from 8:30 a.m.

until 10:00 a.m. During this open session, the permanent staff of the Laboratory of Clinical Investigation will present and discuss their immediate past, and present research activities.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92-463, the meeting of the Board will be closed to the public on October 11 from 10:30 a.m. to adjournment on October 12 for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Allergy and Infectious Diseases, including consideration of personal qualifications and performance, and the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A-32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496-5717, will provide summaries of the meeting and rosters of the Board members.

Dr. Kenneth W. Sell, Executive Secretary, Board of Scientific Counselors, NIAID, NIH, Building 5, Room 137, telephone (301) 496-2144, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-301, National Institutes of Health.)

Dated: August 22, 1979.

Suzanne L. Freneau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-26768 Filed 8-28-79; 8:45 am]

BILLING CODE 4110-08-M

Board of Scientific Counselors, NIDR; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Dental Research, on September 24-25, 1979, in Conference Room 117, Building 30, National Institutes of Health, Bethesda, MD. This meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on September 24, and from approximately 9:00 a.m. to 10:00 a.m. on September 25, to discuss program policies and issues. Attendance by the public is limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public

from approximately 10:00 a.m. on September 25 to adjournment for review, discussion, and evaluation of individual programs and projects conducted by the National Institute of Dental Research, NIH, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Marie U. Nylén, Director of Intramural Research, National Institute of Dental Research, National Institutes of Health, Building 30, Room 132, Bethesda, MD 20205 (telephone 301 496-1483), will provide summaries of meeting, rosters of committee members, and substantive program information.

Dated: August 22, 1979.

Suzanne L. Freneau,

Committee Management Officer, NIH.

[FR Doc. 79-26772 Filed 8-28-79; 8:45 am]

BILLING CODE 4110-08-M

National Advisory Allergy and Infectious Diseases Council; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, October 23 and 24, 1979, at Linden Hill Hotel, the Linden Room, Bethesda, Maryland.

On October 22 the Subcommittee on Manpower Development will meet in open session from 2:00 p.m. until recess in Building 31, Room 7A-24. The full Council meeting will be open to the public on October 23 from 9:00 a.m. until 9:30 a.m., and from 1:30 p.m. until recess, and on October 24 from 9:00 a.m. until 1:00 p.m., to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d), of Pub. L. 92-463, the meeting of the Council will be closed to the public on October 23 from 9:30 a.m. until 1:30 p.m., and on October 24 from 2:00 p.m. until adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public

Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496-5717, will provide summaries of the meetings and rosters of the Council members.

Dr. William I. Gay, Director, Extramural Activities Program, NIAID, NIH, Westwood Building, Room 703, telephone (301) 496-7291, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.855 and 13.856 National Institutes of Health.)

Dated: August 22, 1979.

Suzanne L. Freneau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-26778 Filed 8-28-79; 8:45 am]

BILLING CODE 4110-08-M

National Advisory Child Health and Human Development Council; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Child Health and Human Development Council, October 11-12, 1979, Building 1, Wilson Hall, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on October 11 from 9:00 a.m. to 5:00 p.m. and October 12 from 9:00 a.m. to 10:00 a.m. with current status reports, review of the Social and Behavioral Sciences Branch, and scientific presentations. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on October 12 from 10:00 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Council Secretary, NICHD, Building 31, Room 2A-04, National Institutes of Health, Bethesda, Maryland 20205, Area Code 301, 496-1848, will provide a summary of the meeting and a roster of Council members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.864 and 13.865, National Institutes of Health.)

Dated: August 22, 1979.

Suzanne L. Freneau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-26775 Filed 8-28-79; 8:45 am]

BILLING CODE 4110-08-M

National Advisory Council on Aging; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Council on Aging, National Institute of Aging, on October 10, 11, and 12, 1979, in Building 31C, Conference Room 6, National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. until adjournment on October 10, and 11. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on October 12, 1979, for the review, discussion and evaluation of grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. June McCann, Council Secretary, National Institute on Aging, Building 31, Room 5C-05, National Institutes of Health, Bethesda, Maryland 20205, (Area Code 301, 496-5345), will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, National Institutes of Health)

Dated: August 22, 1979.

Suzanne L. Freneau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-26774 Filed 8-28-79; 8:45 am]

BILLING CODE 4110-08-M

Sickle Cell Disease Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Sickle Cell Disease Advisory Committee, National Heart, Lung, and Blood Institute, October 31, 1979. The meeting will be held at the Jack Tar Hotel, San Francisco, California. The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m., to discuss recommendations on the implementation and evaluation of the Sickle Cell Disease Program. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Building 31, Room 4A-29, (301) 496-4236, will provide summaries of the meeting and roster of the Committee members.

Clarice D. Reid, M.D., Chief, Sickle Cell Disease Branch, DBDR, NHLBI, NIH, Federal Building, Room 504, (301) 496-6931, will furnish substantive program information.

Dated: August 14, 1979.

Suzanne L. Freneau,
Committee Management Officer, National
Institutes of Health.

[FR Doc. 79-26779 Filed 8-28-79; 8:45 am]

BILLING CODE 4110-08-M

Symposium on Molecular Approaches to Vaccine Development

Notice is hereby given to the Symposium on Molecular Approaches to Vaccine Development, National Institute of Allergy and Infectious Diseases (NIAID), October 10, 1979, in Building 1, Wilson Hall, National Institutes of Health, Bethesda, Maryland.

This Symposium will be open to the public from 9:00 a.m. until adjournment. The tentative agenda follows:

- 9:00 a.m.—Welcome by Dr. Richard Krause, Director, NIAID.
- 9:15 a.m.—Introductory Remarks by Dr. Kenneth Sell, Scientific Director, NIAID.
- 9:30 a.m.—Problems of Vaccine Development—Sir Charles Stuart-Harris, University of Sheffield, England.
- 10:00 a.m.—Recombinant DNA Technology and Influenza—Dr. Ching-juh Lai, Laboratory of Infectious Diseases (LID), NIAID.
- 10:20 a.m.—Recombinant DNA Technology and Hepatitis—Dr. William Robinson, Stanford University.
- 10:40 a.m.—Coffee.
- 11:00 a.m.—Recombinant DNA Technology and Bacterial Diseases—Dr. Stanley Falkow, University of Washington.
- 11:20 a.m.—Eucaryotic Vector Systems—Dr. Dean Hamer, Recombinant DNA Section, NIAID.
- 11:40 a.m.—Discussion.
- 12:40 a.m.—Lunch.
- 1:00 p.m.—Molecular approaches to Immunization—Round Table—Dr. Bernard Fields, Harvard University; Dr. Philip Leder, National Institute of Child Health and Human Development (NICHD), NIH; Dr. Malcolm Martin, NIAID, NIH; Dr. Maclyn McCarty, Rockefeller University; Dr. Daniel Nathans, Johns Hopkins University.
- 2:30 p.m.—Discussion.
- 3:00 p.m.—Coffee.
- 3:30 p.m.—Closing Remarks—Dr. John Seal, Deputy Director, NIAID.

This Symposium is being held in conjunction with the meeting of the Board of Scientific Counselors on October 11 and 12, 1979.

Dr. Kenneth W. Sell, Executive Secretary, Board of Scientific Counselors, NIAID, NIH, Building 5, Room 137, telephone (301) 496-2144, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13301, National Institutes of Health.)

Dated: August 13, 1979.

Suzanne L. Freneau,
Committee Management Officer, National
Institutes of Health.

[FR Doc. 79-26767 Filed 8-28-79; 8:45 am]

BILLING CODE 4110-08-M

Office of the Assistant Secretary for Health

National Council on Health Care Technology; Announcement Soliciting Comments on Health Care Technology and Technology Assessment

Announcement is made that the National Council on Health Care Technology is soliciting the views and comments of professional health societies and organizations regarding the Department's focus in the field of health care technology and technology assessment. Organizations wishing to make formal presentations to the Council may do so at the October 10 afternoon meeting to be held in Room 800 of the Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201. Participants should plan to limit their presentations to 10 minutes. However, written statements may be filed with the staff before or after the meeting.

Interested parties should contact Mr. Dwight Blankenbaker, Acting Executive Secretary, Office of Health Research, Statistics, and Technology, National Center for Health Care Technology, 5600 Fishers Lane, Rockville, Maryland 20857 (202) 472-4248.

Dated: August 23, 1979.

Marilyn McCarroll,
Acting Executive Secretary Office of Health
Research, Statistics, and Technology

[FR Doc. 79-26975 Filed 8-28-79; 8:45 am]

BILLING CODE 4110-85-M

Office of Education

National Advisory Council on the Education of Disadvantaged Children; Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on Friday, September 14 and on Saturday, September 15, 1979.

The Council will meet on September 14 from 9 a.m. until 5 p.m., and on September 15 from 9 a.m. until 12 noon. The two-day meeting will be held at 425 13th Street, NW., Suite 1012, Washington, D.C. 20004.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The purpose of the meeting will be to finalize Council's comments and recommendations on the ESEA, Title I Notice of Proposed Rule Making; review and adopt a Council special report on ESEA, Title I technical assistance and evaluation activities; and, review and comment on a summary of previous council activities and recommendations in the area of compensatory education.

The entire meeting will be open to the public. Because of limited space, all persons wishing to attend should call for reservations by September 10, 1979, area code 202/724-0114 and speak with Mrs. Lisa Haywood.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council on the Education of Disadvantaged Children located at 425 13th Street, NW., Suite 1012, Washington, D.C. 20004.

Signed at Washington, D.C. on August 27, 1979.

Gloria B. Strickland,
Acting Executive Director.

[FR Doc. 79-27093 Filed 8-28-79; 8:45 am]

BILLING CODE 4110-02-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Final Decision on Initial Wilderness Inventory of Public Lands in Oregon and Washington

Authority

This decision is issued under the authority of Section 603 of the Federal Land Policy and Management Act of October 21, 1976, and in accordance with the guidelines in the "Wilderness Inventory Handbook," issued by the U.S. Department of the Interior, Bureau of Land Management, on September 27, 1978.

Background

The intent of the initial wilderness inventory is to identify public lands which clearly and obviously do not meet

the criteria for wilderness study areas. These lands are to be released from further consideration in the wilderness review and from the constraints of interim management prescribed by Section 603(c) of the Federal Land Policy and Management Act. Other public lands are to be more intensively inventoried to determine whether they should be designated wilderness study areas or removed from further consideration in the wilderness review.

Public lands are defined as any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management, except lands (a) located on the Outer Continental Shelf, (b) held for the benefit of Indians, Aleuts, and Eskimos, and (c) where the United States retains the minerals but the surface is privately owned.

The beginning of the initial wilderness inventory in Oregon and Washington was announced in the Federal Register on November 3, 1978.

All public lands in the two states which are eligible for wilderness review, and which have not previously been eliminated from wilderness consideration were reviewed. Where there was a possibility of meeting the minimum size criteria listed in the "Wilderness Inventory Handbook", the lands were identified as inventory units. These lands, and all islands of any size, were shown on maps as inventory units, and an initial inventory form (situation evaluation) was prepared for each unit. On the basis of the analysis each unit was placed in one of two categories:

1. Units which clearly and obviously do not meet the criteria for establishment as wilderness study areas.

2. Units in which it appeared more intensive field work was needed to determine whether they should be designated wilderness study areas or eliminated from further wilderness review.

Maps showing these proposed inventory decisions were distributed to over 2,000 individuals, organizations and agencies on April 6, 1979. An accompanying report described the units proposed for elimination from further wilderness review and explained that, in addition, all public lands which were not contained in inventory units because they did not meet the minimum size criteria because of roads or land ownership patterns were also proposed for elimination from further wilderness review. A notice was published in the Federal Register on April 6, 1979, announcing the availability of the maps and report presenting the proposed decision. News releases were sent to

newspapers and radio stations to publicize the availability of the maps and report.

The April 6 announcement opened a 90-day public comment period. Twenty public meetings were held to inform the public of the wilderness review process and receive comments on the proposed initial inventory decision.

Approximately 435 comments on the proposed decision were received. Comments which provided information on the presence or absence of wilderness characteristics in specific inventory units were used in developing the final decision on the initial inventory.

Decision

Public lands indicated in paragraphs (a) and (b), below, are eliminated from further consideration as wilderness study areas and are removed from the interim management constraints of Section 603 (c) of the Federal Land Policy and Management Act.

(a) Inventory units shown as being eliminated from further review on maps and a report entitled "Final Decision on Public Lands Obviously Lacking Wilderness Characteristics and Announcement of Public Lands to be Intensively Inventoried for Wilderness Characteristics—Oregon and Washington", dated August 1979 are eliminated from further consideration as wilderness study areas. All lands in this category were proposed on April 6, 1979, for elimination from further wilderness review except Unit 3-204 (9,040 acres) and a portion of Unit 3-157 (12,280 acres) in the Vale District and a portion of Unit 13-1 (700 acres) in the Spokane District. Public comments and a re-examination of these lands verified that they clearly and obviously do not have wilderness characteristics.

(b) All public lands in Oregon and Washington which do not meet the minimum size criteria of the "Wilderness Inventory Handbook" and are not included in inventory units shown on the maps and listed in the report referred to in paragraph (a), above, are eliminated from further consideration as wilderness study areas. These lands do not meet the minimum size criteria either because they are roaded or because they are isolated parcels surrounded by lands not administered by the Bureau of Land Management.

Certain inventory units shown on maps and listed in the August 1979 report referred to in the previous section are identified as units to be intensively inventoried to determine whether they have wilderness characteristics. The interim management provisions of

Section 603(c) of the Federal Land Policy and Management Act remain in effect on these lands. These units will be evaluated under the procedures set forth in Step 4 of the "Wilderness Inventory Handbook."

The above are the State Director's final decisions on the initial wilderness inventory and will not be effective for 30 days subject to appeal under Departmental regulations (Part 4, Subtitle A, Title 43 CFR).

Additional Information

The final decision maps and report mentioned above have been sent to more than 2,400 individuals, organizations, and agencies. You may obtain a copy by writing the Public Affairs Room, Bureau of Land Management, Oregon State Office, P.O. Box 2965, Portland, Oregon 97208.

Muriel W. Storms,
State Director.

[FR Doc. 79-28864 Filed 8-28-79; 8:45 am]

BILLING CODE 4310-84-M

Oregon; Five Instant Wilderness Study Areas in Oregon Do Not Have Wilderness Characteristics

Section 603 of the Federal Land Policy and Management Act of 1976 requires the Secretary of the Interior to report to the President by July 1, 1980, his recommendations on whether primitive and natural areas designated as such prior to November 1, 1975, and administered by the Bureau of Land Management are suitable or unsuitable for preservation as wilderness. These areas have been termed "instant wilderness study areas."

Five instant study areas are located in Oregon. They are:

Area	BLM District	Acres
Lost Forest Research Natural Area	Lakeview	8,980
Western Juniper Research Natural Area	Prineville	600
Little Sink Research Natural Area	Salem	80
Brewer Spruce Research Natural Area	Medford	210
Douglas Fir Research Natural Area	Coos Bay	590

Using procedures prescribed in the Bureau of Land Management's September 27, 1978, "Wilderness Inventory Handbook," a preliminary determination was made that none of the five areas has wilderness characteristics. This was announced in the Federal Register on April 26, 1979, and in a report distributed to over 2,000 individuals, organizations, and agencies on the same date. A 60-day public comment period followed.

After reviewing public comments received, I have concluded that the five areas, in and of themselves, do not have wilderness characteristics. I have also concluded that 1,500 acres of roadless land contiguous to the Brewer Spruce area and 50 acres of roadless land contiguous to the Douglas Fir area do not have wilderness characteristics. However, the Western Juniper Instant Study Area and portions of the Lost Forest Instant Study Area have been included in larger wilderness inventory units which have yet to be inventoried to determine whether they possess wilderness characteristics. Therefore, I will propose, through the Director of the Bureau of Land Management, that the Secretary of the Interior (a) recommend to the President that the Little Sink, Brewer Spruce, and Douglas Fir Instant Study Areas are not suitable for preservation as wilderness; and (b) report to the President that recommendations on the wilderness suitability or unsuitability of Western Juniper and Lost Forest areas will be deferred until it has been determined whether contiguous inventory units have wilderness characteristics.

A report describing the five areas and summarizing public comments received may be obtained by writing the Public Affairs Rooms, Oregon State Office, Bureau of Land Management, P.O. Box 2965, Portland, OR 97208.

Murl W. Storms,
State Director.

[FR Doc. 79-26514 Filed 8-28-79; 8:45 am]
BILLING CODE 4310-84-M

Colorado: Instant Wilderness Study Report; Public Comment Period on Recommendations for Needlerock and High Mesa Grassland

SUMMARY: Notice is hereby given that pursuant to the Federal Land Policy and Management Act of 1976 (Pub. L. 94-579), a 30-day public comment period will begin immediately after publication of this notice on the results of the wilderness characteristics evaluation of Needlerock and High Mesa Grasslands Instant Study Areas administered by BLM in Colorado.

Comments will be accepted by the Montrose District Office during this 30-day public review regarding the recommendation that the 80 acre Needlerock Natural Area, located near Crawford in Delta County, Colorado, does not meet the wilderness criteria defined by Section 2(c) of the Wilderness Act of 1964 (Pub. L. 88-577).

Comments will be accepted by the Canon City District Office during this 30-day public review regarding the

recommendation that the 680 acre High Mesa Grassland Natural Area, located northwest of Canon City in Fremont County, Colorado, does not meet the wilderness criteria defined by the Wilderness Act of 1964.

A copy of the Needlerock report can be obtained from the Montrose District Office, Bureau of Land Management, P.O. Box 1269, Highway 550 South, Montrose, Colorado 81401; phone 303-249-7791.

A copy of the High Mesa Grasslands report can be obtained from the Canon City District Office, Bureau of Land Management, 3080 East Main Street, Canon City, Colorado 81212; phone: 303-275-7494.

Dated: August 21, 1979.
Dale R. Andrus,
State Director.

[FR Doc. 79-26948 Filed 8-23-79; 8:45 am]
BILLING CODE 4310-84-M

Bureau of Reclamation

Contract Negotiations With Laguna Water District, Calif.; Intent to Begin Negotiation of a Water Service Contract

The Department of the Interior, through the Bureau of Reclamation, intends to negotiate a contract with Laguna Water District, Los Banos, California, for the furnishing of 800 acre-feet of water annually for agricultural use from the Central Valley Project (CVP). This supply is part of the Delta-Mendota Canal total water delivery program of 1,555,000 acre-feet, excluding losses, established on February 5, 1973. The proposed contract will be written pursuant to section 9(e) of the Reclamation Project Act of 1939. The initial water rate will be \$8.10 per acre-foot and will be adjustable at 5-year intervals.

Laguna Water District is in the trough of the San Joaquin Valley in southwestern Merced County, California, just southwest of the community of Dos Palos. There are about 427 gross acres in the district of which about 370 acres have been irrigated under temporary CVP contracts and by use of other non-firm water supplies. The provision of this long-term CVP water supply contract will supplement the other non-firm supplies of water. The principal district crops consist of cotton, corn, milo, and barley.

All meetings between the Bureau of Reclamation and Laguna Water District for the purpose of negotiating the proposed water service contract shall be open to the general public as observers. Advance notice of any meeting shall be

furnished only to those parties having previously furnished a written request for such notice to the office identified below at least 1 week prior to the meeting. The public is invited to submit written comments on the form of the proposed agreement not later than 30 days after the completed draft is declared to be available to the public. All written correspondence concerning the proposed contract shall be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

For further information about scheduled meetings and copies of the proposed contract, please contact Mr. A. J. Thayer, Repayment Branch, Division of Water and Power Resources Management, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825, telephone No. (916) 484-4498.

Dated: August 22, 1979.
Clifford L. Barrett,
Assistant Commissioner of Reclamation.
[FR Doc. 79-26611 Filed 8-23-79; 8:45 am]
BILLING CODE 4310-09-M

Salmon Falls Division, Upper Snake River Project, Idaho-Wyoming; Intent to Prepare an Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior intends to prepare an environmental statement on the proposed Salmon Falls Division. The proposal is to construct an irrigation and wildlife enhancement project, and the necessary support facilities, south of the Snake River in Twin Falls and Cassia Counties, Idaho. The Salmon Falls Division was authorized by Congress in Public Law 92-514, October 20, 1972. To be implemented, the proposal will require the authorization of construction funding. If constructed, the Salmon Falls Division would supply water to approximately 57,210 acres of cropland. Wildlife habitat would be upgraded on about 1,570 acres of land, and 20 watering areas would be constructed to enhance local wildlife populations.

An environmental statement on the project was filed with the Council on Environmental Quality before authorization; however, due to the evolving nature of the environmental statement process since that time, the decision has been made to prepare an updated statement in conjunction with the definite planning report. The new environmental statement will address the impacts of constructing the operating

facilities in the project area, the impacts associated with alternative locations for a well field to pump water from the Snake Plain aquifer, and other alternatives considered to meet the water-related needs of the project area.

Environmental studies and preparation and processing of an environmental impact statement for this proposed project will be in accordance with provisions of the National Environmental Policy Act of 1969, and will be accomplished under the new Council on Environmental Quality (CEQ) regulations published in the Federal Register on November 29, 1978.

No specific scoping meeting is planned. Pertinent issues have been discussed with various groups and agencies on several occasions. Letters have also been sent to known interested parties and agencies indicating that an environmental statement is being prepared and inviting their comments.

To assure that the full range of issues related to this proposal are discussed in the statement and all significant issues are identified, comments and suggestions are invited. Anyone with suggestions as to significant environmental issues associated with this project should contact: Robert A. Adair, Environmental Specialist, Pacific Northwest Region, Bureau of Reclamation, Box 043, 550 W. Fort Street, Boise, Idaho 83724, Telephone: (208) 384-1209.

Dated: August 22, 1979.

R. Keith Higginson,
Acting Commissioner.

[FR Doc. 79-28618 Filed 8-28-79; 8:45 am]
BILLING CODE 4310-09-M

INTERNATIONAL TRADE COMMISSION

[AA1921-206, AA1921-207, AA1921-208, and AA1921-209]

Titanium Dioxide From Belgium, France, the United Kingdom, and the Federal Republic of Germany; Investigations and Hearing

Having received advice from the Department of the Treasury on August 7, 1979, that titanium dioxide (provided for in item 473.70 of the Tariff Schedules of the United States (TSUS)) from Belgium, France, the United Kingdom, and the Federal Republic of Germany, with the exception of that sold by Bayer AG of the Federal Republic of Germany and ceramic grades of titanium dioxide sold by LaPorte Industries of the United Kingdom,¹ is being, or is likely to be,

sold at less than fair value, the United States International Trade Commission, on August 23, 1979, instituted investigations Nos. AA1921-206, AA1921-207, AA1921-208, and AA1921-209, under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Public hearing. A public hearing in connection with these investigations will be held on Thursday, September 27, 1979, in the Commission's Hearing Room, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.t. All interested persons will be afforded an opportunity to be present, to appear by counsel or in person, to provide information, and to be heard at such hearing. Requests to appear at the hearing should be received in writing in the office of the Secretary to the Commission, United States International Trade Commission, 701 E Street NW., Washington, D.C., not later than noon, Friday, September 21, 1979.

Written statements. Interested parties may submit statements in writing in lieu of, or in addition to, appearing at the public hearing. A signed original and 19 true copies of such statements should be submitted. Requests for confidential treatment should be directed to the attention of the Secretary. Any business information which a submitter wishes the Commission to treat as confidential should be clearly marked "Confidential Business Data." Submitters seeking confidential treatment must conform with the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). Should a request for confidential treatment be denied, the submission will be returned to the submitting party.

All written submissions, except for confidential business data, will be made available for inspection by interested persons. To assure that such statements are given due consideration by the Commission, such statements should be received not later than the close of business, Friday, October 5, 1979.

Issued: August 24, 1979.

titanium dioxide are titanium dioxide pigments (provided for in TSUS item 473.70), having an average minimum primary particle size exceeding eight microns in diameter.

By order of the Commission.
Kenneth R. Mason,
Secretary.

[FR Doc. 79-27004 Filed 8-28-79; 8:45 am]
BILLING CODE 7020-02-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meeting

August 10, 1979.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended,) notice is hereby given that a meeting of the Humanities Panel will be held at 806 Fifteenth Street, N.W., Washington, D.C. 20506, in room 807, from 9:00 a.m. to 5:30 p.m. on September 13 and 14, 1979.

The purpose of the meeting is to review Higher Education Projects applications submitted to the National Endowment for the Humanities for projects beginning after December 1, 1979.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 Fifteenth Street, N.W., Washington, D.C. 20506, or call area code 202-724-0367. Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 79-28876 Filed 8-28-79; 8:45 am]
BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Fluid Dynamics; Meeting

The ACRS Subcommittee on Fluid Dynamics will hold a meeting on September 13 and 14, 1979, at the Quality Inn, 5249 West Century Boulevard, Los Angeles, CA 90045 to review NRC acceptance criteria for the

¹For purposes of the Department of the Treasury's determination, ceramic grades of

Boiling-Water Reactor (BWR) Mark I and II Containment Systems. Notice of this meeting was published August 23, 1979.

In accordance with procedures outlined in the Federal Register, Oct. 4, 1978 (43 FR 45926), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Thursday and Friday, September 13 and 14, 1979.

8:30 a.m. until the conclusion of business each day.

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full committee.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, and their consultants, pertinent to this review. The Subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purposes of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Dr. Andrew L. Bates, (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: August 22, 1979.

John C. Hoyle,
Advisory Committee Management Officer.
[FR Doc. 79-28674 Filed 8-28-79; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit No. 1); Order

On August 9, 1979 (44 FR 47821, August 15, 1979), the Commission issued an Order and Notice of Hearing in this proceeding and provided that the licensee's answer to the Order and any petitions to intervene were to be filed with the Secretary of the Commission by September 4, 1979. Pursuant to 10 CFR 2.772, those deadlines are hereby extended until September 14, 1979.

It is so ordered.

Dated at Washington, D.C., this 23d day of August, 1979.

Samuel J. Chilk,
Secretary of the Commission.
[FR Doc. 79-28915 Filed 8-28-79; 8:45 am]
BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Privacy Act; Notice of New Systems

August 24, 1979.

The purpose of this notice is to give members of the public an opportunity to comment on Federal agency proposals to establish or alter personal data systems subject to the Privacy Act of 1974.

The Act states that "each agency shall provide adequate advance notice to Congress and the Office of Management and Budget of any proposal to establish or alter any system of records in order to permit an evaluation of the probable or potential effect on such proposal on the privacy and other personal or property rights of individuals * * *"

OMB policies implementing this provision require agencies to submit reports on proposed new or altered systems to Congress and OMB 60 days prior to the issuance of any data collection forms or instructions, 60 days before entering any personnel information into the new or altered systems, or 60 days prior to the issuance of any requests for proposals for computer and communications systems or services to support such systems—whichever is earlier.

The following reports on new or altered systems were received by OMB between July 23, 1979 and August 17, 1979. Inquiries or comments on the

proposed new systems or changes to existing systems should be directed to the designated agency point-of-contact and a copy of any written comments provided to OMB. The 60 day advance notice period begins on the report date indicated.

Department of Defense

System Name: Losses of Public Funds Files.

Report Date: July 23, 1979.

Point-of-Contact: Mr. William T. Cavaney, Executive Secretary, Defense Privacy Board, 1735 N. Lynn Street, Arlington, VA 22209.

Summary: The Navy Department proposes this new system as a means of controlling the liquidation of losses of public funds by accountable disbursing personnel. The system will include a file on each accountable individual, maintained until losses have been repaid or relief has been granted and the case closed.

System Names: (1) Work Measurement Labor Distribution Card. (2) Marine Corps Locator Files.

Report Date: August 7, 1979.

Point-of-Contact: Mr. William T. Cavaney, Executive Secretary, Defense Privacy Board, 1735 N. Lynn Street, Arlington, VA 22209.

Summary: Both of these are existing systems maintained by the Marine Corps. The first system, currently used to provide a data base on Marine Corps work activities, will be used not only to determine labor distribution, but also to produce productivity reports. The second system will be altered to include additional information about USMC officer, enlisted, and civilian personnel.

System Name: Recruiting Research and Analysis System.

Report Date: August 9, 1979.

Point-of-Contact: Mr. William T. Cavaney, Executive Secretary, Defense Privacy Board, 1735 N. Lynn Street, Arlington, VA 22209.

Summary: The Air Force proposes this system as a statistical tool for the management, monitoring, and analysis of Air Force recruiting. The information will be used to determine the need for procedural and policy changes in recruiting.

System Name: Automated Systematic Recruiting Support System.

Report Date: August 7, 1979.

Point-of-Contact: Mr. William T. Cavaney, Executive Secretary, Defense Privacy Board, 1735 N. Lynn Street, Arlington, VA 22209.

Summary: The Marine Corps proposes this new system of records, which is intended to provide a data of the recruiting information to keep track of

recruits, including those who join, the Marines on a delayed entry basis.

Office of Administration, Executive Office of the President

System Name: Interagency Information Exchange.

Report Date: August 1, 1979.

Point-of-Contact: Ms. Carol L. Caldwell, Information Systems Development Division, Office of Administration, Washington, D.C. 20500.

Summary: This new system of records is to be a subsystem of an information system called Congressional Liaison Activities Status System (CLASS). CLASS is intended to track the progress of important Administration issues through the legislative, budgetary, and implementation stages. The Interagency Exchange subsystem will provide information on key figures in the process, such as Members of Congress, Executive Branch officials, and State and local government officials.

Department of Energy

System Names:

- (1) Time and Accountability Records.
- (2) Emergency Locator Records.
- (3) Automatic Data Processing (ADP) Management Records.
- (4) Congressional Profiles.
- (5) Environmental Impact Document Monitoring, Processing, and Correspondence Tracking System.
- (6) Historical Files—Published Information Concerning Selected Persons in the Energy Field.
- (7) Energy Extension Service Records.
- (8) Minority Energy Technical Assistance Program Records.

Report Date: August 8, 1979.

Point-of-Contact: Milton Jordan, Director, Division of FOI and Privacy Act Activities, Department of Energy, Washington, DC 20585.

Summary: In this report DOE presents a consolidation of all of its systems of records, including those transferred from DOE's predecessor agencies and the eight new systems listed above. The first three systems will be internal management tools for the Department. The fourth Congressional Profiles, will be used by DOE staff to facilitate dealings with the Congress by making available information on Members' views on energy issues and other background information. All information in the system will be drawn from public sources. The next system will be used by DOE in carrying out its role under the National Environmental Policy Act, including the distribution of copies of environmental impact statements, reviewing comments and evaluating such statements. The DOE Historical Files will maintain records on the

history of the Federal role in U.S. energy development. Energy Extension Service records will be used to account for State contacts with EES clients under the Energy Extension Service program. Finally, the Minority Energy Technical Assistance Program records will be used in the administration of a DOE funded program intended to encourage energy conservation programs by minority and low-income persons and to educate State and local officials in energy conservation.

Waiver Requests

OMB procedures permit a waiver of the advance notice requirement when the agency can show that the delay caused by the 60 day advance notice would not be in the public interest. It should be noted that a waiver of the 60 day advance notice period does not relieve an agency of the obligation to publish notice describing the system and to allow 30 days for public comment on the proposed routine uses of the personal information to be collected. A waiver of the 60 day advance notice provision was requested by agencies for the following reports received between July 23, 1979 and August 17, 1979. Public inquiries or comments on the proposed new or altered systems should be directed to the designated agency point-of-contact and a copy of any written comments provided to OMB. Comments on the operation of the waiver procedure should be directed to OMB.

Nuclear Regulatory Commission

System Name: Special Inquiry File.

Report Date: July 25, 1979.

Point-of-Contact: J. M. Felton, Director, Division of Rules and Records, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Summary: This system is to be established to facilitate the investigation of the accident at the Three Mile Island Nuclear Plant and any similar incidents which may occur. It will include correspondence, audit reports and data interview, questionnaires, etc., which may be accessed by individual name or identifier.

Status: Granted, August 3, 1978.

David R. Leuthold,

Acting Assistant to the Director for Administration.

[FR Doc. 79-20958 Filed 8-28-79; 8:45 am]

BILLING CODE 3110-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0370]

AMEV Capital Corp.; Issuance of a License to Operate as a Small Business Investment Company

On June 18, 1979, a Notice was published in the Federal Register (44 FR 35071) stating that AMEV Capital Corporation, 5 World Trade Center—Suite 6281, New York, New York 10048, had filed an application with the Small Business Administration pursuant to § 107.102 of the SBA Rules and Regulations governing small business investment companies (13 CFR 107.120 (1979)), for a license to operate as a small business investment company.

Interested parties were given until the close of business July 3, 1979, to submit their comments. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA, on August 14, 1979, issued License No. 02/02-0370 to AMEV Capital Corporation pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended).

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: August 20, 1979.

Peter F. McNeish,

Acting Associate Administrator for Financing and Investment.

[FR Doc. 79-20971 Filed 8-28-79; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 02/02-5376]

Intergroup Funding Corp.; Application for License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Intergroup Funding Corporation (applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1979).

The officers and directors of the applicant are as follows:

Ben Hauben, president and director, 876 Park Avenue, New York, New York 10021.

Oscar Hauben, vice president and director, 306 West 236th Street, Bronx, New York 10463.

Cyla S. Goodman, secretary, treasurer, director, 91 Penn Road, Scarsdale, New York 10583.

The applicant will maintain its principal place of business at 230 Park Avenue, New York, New York 10017.

It will begin operations with \$510,000 of private capital derived from the sale of 1,500 shares to Benco International Importing Corporation (Benco) at the same address as the applicant. Ben Hauben owns 75 percent and Cyla S. Goodman has a 25 percent beneficial interest in Benco.

The applicant will conduct its operations principally in the State of New York.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, on or before September 13, 1979, submit to SBA written comments on the proposed applicant. Any such communications should be addressed to the Acting Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 23, 1979.

Arthur P. Cyr,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-20967 Filed 8-28-79; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 04/04-5161]

First Florida Capital Corp.; Application for License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company

under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by the First Florida Capital Corporation (applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1979).

The officers, directors and stockholders are as follows:

Stanley L. Seligman, president and director, 125 North 46th Avenue, Hollywood, Florida 33021, 40 percent.

Sol Klein, secretary, treasurer and director, 4052 Estepona Avenue, Miami, Florida 33166, 8.57 percent.

Joel A. Pinsky, vice president and director, 1 Westmount Square, Suite 1212, Montreal, Quebec, Canada.

Shai Calvert Kogan, 157 Edgehill, Westmount, Quebec, Canada, 8.57 percent.

Commercial Investments Corp., c/o Joel A. Pinsky, 1 Westmount Square, Suite 1212, Montreal, Quebec, Canada, 12.86 percent.

John Alper, 33 Glenmore, Hampstead, Quebec, Canada, 10 percent.

Bernard Palevsky, 72 Summit Crescent, Westmount, Quebec, Canada, 10 percent.

Paul Hubscher, 5703 Whitehorn Avenue, Westmount, Quebec, Canada, 10 percent.

The applicant will maintain its principal place of business at 125 North 46th Avenue, Hollywood, Florida 33021.

It will begin operations with \$500,000 of private capital derived from the sale of 50,500 shares to stockholders shown above.

The applicant will conduct its operations in the Dade and Broward Counties of Florida.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, on or before September 13, 1979, submit to SBA written comments on the proposed applicant. Any such

communication should be addressed to the Acting Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Hollywood, Florida.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 23, 1979.

Arthur P. Cyr,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-20968 Filed 8-28-79; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 01/01-0292]

Great Northern Capital Corp.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an Application has been filed with the Small Business Administration, pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1979)), under the name of Great Northern Capital Corporation (Applicant) for a License to operate as a Small Business Investment Company under the provisions of the Small Business Investment Act of 1958, as amended (Act), and the Rules and Regulations promulgated thereunder.

The Applicant was incorporated on March 2, 1978, under the laws of the State of Maine and under the name of First Maine Capital Corporation. At a meeting of shareholders held on August 13, 1979, it was resolved that the Corporation change its name from First Maine Capital Corporation to Great Northern Capital Corporation and its Articles of Incorporation have been amended accordingly, effective August 16, 1979.

The Applicant will commence operations with a capitalization of \$504,000, which amount has been raised through the sale of its issued and outstanding Common Stock, No Par Value, and its issued and outstanding Preferred Stock, No Par Value, to Barry M. Goldman, President and Director of the Applicant, and to C.G.T. Trust, c/o Glickman and Fuller, P.C., 14 Howard Street, Worcester, Massachusetts 01608, respectively.

The Applicant will have its principal place of business at 97A Exchange Place, Portland, Maine 04111, and it intends to conduct its operations principally in the States of Maine,

Massachusetts, New Hampshire and Vermont.

The officers and directors of the Applicant will be:

Name, address, and title

Barry M. Goldman, 30 Spruce Hill Ave., Boston, Mass., president, secretary, and director.

Alexander S. Goldman, 15 Vannah Ave., Portland, Maine, clerk and director.

Alan R. Atkins, 19 Rocky Hill Road, Cape Elizabeth, Maine, director.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the Applicant under their management, including adequate profitability and financial soundness in accordance with the Act and SBA Regulations.

Notice is hereby given that any person may, on or before September 13, 1979, submit written comments on the Applicant to the Acting Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published by the Applicant in a newspaper of general circulation in Portland, Maine.

(Catalog of Federal Domestic Assistance Program No. 59.0111, Small Business Investment Companies.)

Dated: August 22, 1979.

Edwin T. Holloway,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-26909 Filed 8-28-79; 8:45 am]

BILLING CODE 8025-01-M

Producers Investment Corp., et al., License Surrender

Notice is hereby given that the corporations listed below which have been in the process of surrender for diverse periods of time, have surrendered their licenses to operate as small business investment companies, under the Small Business Investment Act of 1958, (Act), as amended, (15 U.S.C. 661 et seq.).

Name	Location	Date licensed	License No.
Producers investment corporation.	Beverly Hills, CA.	Jan. 19, 1978	09/09-0207
Landers capital corporation.	Los Angeles, CA.	Aug. 16, 1978	09/09-0220

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender

of the licenses is accepted herewith and, accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Programs No. 59.011, Small Business Investment Companies)

Dated: August 23, 1979.

Arthur P. Cyr,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-28974 Filed 8-28-79; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Agency for International Development

Advisory Committee on Voluntary Foreign Aid; Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a)(2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the meeting of the Advisory Committee on Voluntary Foreign Aid which will be held on September 17 and 18, 1979, from 9:30 a.m. to 5:00 p.m., at Tarrytown House Executive Conference Center, East Sunnyside Lane, Tarrytown, New York 10591.

The Committee will be examining the relationship between the Agency for International Development and the private and voluntary organizations. It will examine all aspects of the present relationship with the view to arriving at conclusions and making suggestions for use in an Executive Branch report to the Congress required by House Report 96-79 and Senate Report 96-137 in the International Development Cooperation Act of 1979.

The meeting will be open to the public. Any interested person may attend, appear before, or file statements with the Committee in accordance with procedures established by the Committee. Written statements should be filed prior to the meeting and should be available in twenty copies.

Mr. John A. Ulinski will be the A.I.D. representative at the meeting. It is suggested that those desiring further information contact Mr. Ulinski at 202-632-8937, or by mail c/o the Advisory Committee on Voluntary Foreign Aid, Agency for International Development, Washington, D.C. 20523.

Frederick F. Simmons

Acting Assistant Administrator, Bureau for Private and Development Cooperation.

August 10, 1979

[FR Doc. 79-26951 Filed 8-28-79; 8:45 am]

BILLING CODE 4710-02-M

[Redelegation of Authority No. 41.7]

Director, Office of Contract Management; Redelegation of Authority Regarding Furnishing of Commodities

A. Pursuant to the authority delegated to me by Delegation of Authority No. 41, May 8, 1964, as amended, from the Administrator of the Agency for International Development, I hereby redelegate to the Director, Office of Contract Management the following authority:

To execute transfer or transfer/trust agreements with respect to the furnishing of commodities to international organizations having a membership consisting primarily of foreign governments, the American Red Cross, and voluntary nonprofit agencies registered with and approved by the Advisory Committee on Voluntary Foreign Aid pursuant to determinations made under section 607(a) of the Foreign Assistance Act of 1961, as amended.

B. The authority herein redelegated to the officer named above may not be redelegated further by that officer, but may be exercised by persons authorized by that officer to perform the functions of that office in an "Acting" capacity.

C. This redelegation of authority shall be effective immediately.

Dated: August 16, 1979.

D. G. MacDonald,

Assistant Administrator, Bureau for Program and Management Services.

[FR Doc. 79-28950 Filed 8-28-79; 8:45 am]

BILLING CODE 4710-02-M

Office of the Secretary

[Public CM-8/220]

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea; Meeting

The panel on bulk cargoes of the Working Group on Subdivision and Stability—a component of the Shipping Coordinating Committee's Subcommittee on Safety of Life at Sea (SOLAS)—will conduct an open meeting at 11 a.m. on Thursday, September 13, 1979 at the University of Michigan, Ann Arbor, Michigan. The meeting will convene in the Naval Architecture—Marine Engineering Building on the North Campus of the University.

The purpose of the meeting will be to: Review the report of the last session of the IMCO Subcommittee on Containers and Cargoes pertaining to bulk cargoes and to witness research on shifting angle determination of bulk cargoes.

Requests for further information

should be directed to Mr. Edward H. Middleton, U.S. Coast Guard (G-MM/TP24), Washington, D.C. 20590, telephone (202) 426-2170, or Captain S. Fraser Sammis, National Cargo Bureau, Inc., Suite 2757, One World Trade Center, New York, New York 10048, telephone (212) 432-1280.

The Chairman will entertain comments from the public as time permits.

James Ferrer,

Acting Deputy Assistant Secretary for Transportation Affairs, Department of State.

August 21, 1979.

[FR Doc. 79-26049 Filed 8-29-79; 8:45 am]

BILLING CODE 4710-10-M

DEPARTMENT OF THE TREASURY

Countertop Microwave Ovens From Japan; Antidumping Proceeding Notice

AGENCY: U.S. Treasury Department.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether imports of countertop microwave ovens from Japan are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act of 1921, as amended. There is substantial doubt that imports of the subject merchandise, allegedly at less than fair value, are causing, or are likely to cause, injury to an industry in the United States. Therefore, the case is being referred to the U.S. International Trade Commission for a determination as to whether there is no reasonable indication of injury because of such imports.

EFFECTIVE DATE: August 29, 1979.

FOR FURTHER INFORMATION CONTACT: Richard Rimlinger, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTARY INFORMATION: On July 23, 1979, a petition was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel representing the Association of Home Appliance Manufacturers, Chicago, Illinois, alleging that countertop microwave ovens from Japan are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act of 1921, as amended (19 U.S.C. 160 *et seq.*) (hereinafter referred to as "the Act").

Countertop microwave ovens are

electronic cooking devices which heat food by the application of very high frequency energy. For purposes of this investigation, the term "countertop microwave ovens" means countertop microwave ovens classifiable under item 684.3010, Tariff Schedules of the United States Annotated.

Most Japanese microwave oven manufacturers are related, within the meaning of the Act, to the U.S. importing companies. Therefore, it will be necessary to establish the exporter's sales price of the merchandise in the U.S. market.

Based upon the information supplied by the petitioner through a descriptive presentation of similar models sold in both the U.S. and home market, it appears that the margins of dumping may range from 27 percent to 107 percent.

The petitioner has presented information to substantiate the allegation that the U.S. microwave oven industry is being injured or is likely to be injured from the less than fair value imports from Japan.

The petition cites a substantial loss of market share, price suppression or depression, underemployment, declining profitability, underutilization of capacity, declining capital investment and a static industry structure.

The information presented, however, does not clearly establish that the alleged injury has taken place or is threatened or that it is by reason of the alleged sales at less than fair value.

The claim of a loss of market share depends largely upon the choice of base year and period of comparison. While higher now than in 1975, the Japanese share of the market is now lower than either in 1972, when the product was relatively new on the market, or 1978. U.S. manufacturers' share of the market is below historic highs but above both 1972 and 1978 levels.

Similarly, evidence concerning lower prices of both U.S. and Japanese microwave ovens appears attributable to lower costs of production due to increases in worker productivity, technological advances, standardization of production and the capture of economies of scale due to greater volumes of production. Decreases in employment appears to reflect greater productivity of labor in the microwave oven industry.

Although the U.S. industry's capacity utilization rate has apparently declined, it has been accompanied by an expansion in capacity and heavy capital investment. Finally, a number of large, Japanese manufacturers of microwave ovens intend to begin production in the

U.S. in the near future. Some facilities will begin production as early as December 1979. The effect should be a sharp decline in microwave oven imports as U.S. made models substitute for Japanese produced ovens.

Therefore, on the basis of the information currently available, there is substantial doubt of injury or likelihood of injury to an industry in the United States by reason of such imports from Japan. Accordingly, the U.S. International Trade Commission is being advised of such doubt pursuant to section 201(c)(2) of the Act (19 U.S.C. 160(c)(2)).

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29), and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value. Should the U.S. International Trade Commission, within 30 days of receipt of this referral, advise the Secretary that there is no reasonable indication that an industry in the United States is being, or is likely to be, injured by reason of the importation of such merchandise into the United States, this investigation will be terminated. Otherwise, the investigation will continue to conclusion.

This notice is published pursuant to § 153.30, Customs Regulations (19 CFR 153.30).

David R. Brennan,

Acting General Counsel of the Treasury.

[FR Doc. 79-26053 Filed 8-29-79; 8:45 am]

BILLING CODE 4810-22-M

U.S. RAILWAY ASSOCIATION

[Docket 211-22]

Consolidated Rail Corp.; Application for a Loan

Subsection (h) of Section 211 of the Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. 721) (the Act), authorizes the United States Railway Association (Association) to enter into loan agreements with the Consolidated Rail Corporation (Conrail), the National Railroad Passenger Corporation, and any profitable railroad to which rail properties are transferred or conveyed pursuant to Section 303(b)(1) of the Act under conditions and for purposes set forth in this Subsection. Subsection (b) of Section

211 requires that the Association publish notice of the receipt of any application thereunder in the Federal Register and afford interested parties an opportunity to comment thereon.

Conrail submitted two Borrowing Applications dated August 23, 1979 requesting new borrowings of \$1,193,365.80 in one and \$300,000 in the other. Conrail states that it will use the \$300,000 to pay wage claims of The Penn Central Transportation Company, and that it will use the \$1,193,365.80 to pay the following: (i) \$700,000 of Federal Employer's Liability Act (FELA) Claims of The Penn Central Transportation Company, (ii) \$324,788.80 of FELA claims of the Lehigh Valley Railroad Company, and (iii) \$168,577.00 of FELA claims of the Erie Lackawanna Railroad Company.

The Borrowing Application includes the certification and exhibits required by the Loan Procedures.

Interested parties are invited to submit written comments relevant to this application. Any such submissions must identify, by its Docket No., the application to which it relates, and must be filed with the Office of General Counsel, United States Railway Association, 955 L'Enfant Plaza North, SW., Washington, D.C. 20595, on or before September 10, 1979, to enable timely consideration by USRA. The docket containing the original application will be available for public inspection at that address Monday through Friday (holidays excepted) between 8:30 a.m. and 5:00 p.m.

Dated at Washington, D.C. this 24th day of August, 1979.

David Kleypas,

Assistant Secretary, U.S. Railway Association.

[FR Doc. 79-26973 Filed 8-28-79; 8:45 am]

BILLING CODE 3410-03-M

INTERSTATE COMMERCE COMMISSION

[No. MC-123048 (Sub-No. 412) F]

Operating Rights Application;
Diamond Transportation System, Inc.,
Extension—Bay Saint Louis, MS
(Racine, WI)

Decided: August 10, 1979.

Applicant seeks a certificate of public convenience and necessity authorizing the transportation of (1) aluminum articles, and (2) materials, equipment, and supplies used in their manufacture, distribution, and sale, between Tucker, GA, and Bay Saint Louis, MS, on the one hand, and, on the other, points in the United States (except Alaska and

Hawaii). The evidence has been considered under the modified procedure. Protestant Bowman Transportation, Inc., a motor common carrier, filed a statement in opposition. Applicant submitted a reply statement.

Pertinent Facts

Alcan Aluminum Corporation of Cleveland, OH, the supporting shipper, is the fourth largest aluminum fabricator in the United States. It has recently acquired a facility at Bay Saint Louis, MS, and it produces at this facility and its Tucker, GA, facility, electrical cable and aluminum rods. The Bay Saint Louis facility also produces various other unidentified aluminum articles. The aluminum rods are $\frac{3}{8}$ inches in diameter and shipped in coil form.¹ The electrical cable, which may be made of aluminum or copper, is similar to the rods, but of small dimension. The cable may be shipped bare or covered with a polyethylene coating. The cable is shipped as a coil or on a reel; reels average 14,000 to 20,000 pounds each.

Shipper receives a wide variety of commodities used in the manufacture, distribution, and sale of its products.

The Tucker facility had a total production in 1978 of 20.18 million pounds. The Bay Saint Louis facility is new, but production of 12 million pounds a year is projected. These figures are expected to increase substantially. Alcan's inbound tonnage is approximately 10 percent less than the outbound. A representative list of product destination points and supply material origin points in all contiguous States was provided. Shipper's traffic also moves wholly within Mississippi prior or subsequent to a movement in foreign commerce.

Shipper is now using a combination of rail carriers, and common, contract, and private motor carriage. Rail has been found unsatisfactory because of delays. The contract carrier and common carriers serving shipper have been unable to provide it with sufficient equipment, and, with the exception of the contract carrier, no carrier possesses the broad geographic authorization sought here. Alcan requires a carrier with broad territorial coverage, capable of providing timed deliveries, as well as multiple stopoff delivery service. Carriers must be able to protect shipper's products from the elements by providing van trailers, sided trailers with covers, or, in some instances, tarpaulined flat-bed equipment.

¹ Shipper indicates it is referred to as "aluminum coil." In order to avoid any misunderstanding, we will refer to these commodities as "aluminum rods and coil."

If this application is granted, applicant will be tendered three to four outbound truckloads a week from each of the two facilities. Shipper was unable to estimate the inbound volume, but will use applicant to the extent possible. Alcan's business is continually expanding, and it will continue to use existing carriers.

Bowman is a general commodities carrier operating primarily over regular routes. It is authorized to provide service between Alcan's Tucker facility, on the one hand, and, on the other points in six southern States, Indiana, Illinois, Ohio, Massachusetts, Rhode Island, the District of Columbia, and other specified points in 14 eastern and southern States over a combination of regular and irregular routes. Bowman stands ready to provide service, but has been tendered "little" of the traffic. It offers both less-than-truckload (LTL) and truckload service under tariffs permitting multiple stopoff deliveries.

Bowman argues that authorizing service to Tucker, will allow applicant to serve shippers located throughout the Atlanta, GA, commercial zone. It asserts that this, in combination with the broad commodity description sought, requires the imposition of a restriction limiting any grant to traffic originating at or destined to the facilities of shipper.

Bowman also directs our attention to applicant's equipment, claiming applicant is not primarily a van service carrier and operates few van trailers in comparison with the flat-bed and lowboy trailers operated. Protestant further argues that the grant of this authority will allow applicant to divert profitable traffic which is essential to protestant's policy of having truckload and large LTL shipments subsidize small LTL shipments.

Discussion and Conclusions

The application will be granted to the extent set forth in the appendix. The supporting shipper has demonstrated a need for the outbound transportation of electrical cable and aluminum rods and coil and for the inbound transportation of the materials and supplies used in the manufacture, distribution, and sale of those commodities. Alcan has been unable to obtain an adequate supply of motor vehicle equipment capable of providing a flexible, geographically broad expedited service with timed deliveries, and multiple stopoff deliveries.

Applicant has demonstrated its ability to meet shipper's service requirements through its service to one of shipper's other facilities. Applicant has sufficient equipment capable of providing

shipper's product with the proper degree of protection.

Bowman is unable to provide the geographically comprehensive service being sought. Its combination of regular and irregular routes will impede its ability to provide the shipper with the multiple stopoff service required. Protestant has been tendered little of this traffic, and shipper will continue to use existing carriers to the extent possible.

Contrary to Bowman's contention, authorizing service to Tucker, will not allow applicant to serve shippers located throughout the Atlanta, commercial zone. While Tucker, is within the Atlanta commercial zone, Atlanta is not within the Tucker commercial zone and applicant may not back the two zones to serve shippers located outside the Tucker zone. Compare 49 CFR 1041.20. Furthermore, the evidence in support warrants a more detailed, but narrowed commodity description. In view of the above, we will not restrict the grant to traffic originating at or destined to the facilities of shipper and we conclude that this will not materially adversely affect protestant contrary to the public interest.

Alcan has demonstrated a need only for the transportation of the identified aluminum articles which it produces at its Bay Saint Louis facility. Further, it has not demonstrated a need for the movement to its facilities of aluminum rods and coil, and electrical cable. Therefore, we have limited the grant set forth in the appendix to the transportation for which a need has been shown. However, need has been shown for the transportation of both copper and aluminum electrical cable. Because copper electrical cable is not within the scope of the commodity description in the **Federal Register** notice of the application, it is possible persons who relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the appendix. Accordingly, a notice of the authority actually granted will be published in the **Federal Register** and any interested person prejudiced by the lack of proper notice may file a petition to intervene in this proceeding during the 30 days following the new publication and no certificate will be issued until the extension of the 30 day period and disposition of any petition filed with that time.

Finally, we note that electrical cable and aluminum rods and coil are not susceptible to bulk handling and the

restriction against bulk commodities will not be imposed with respect to these commodities in part (1) of the appendix.

We find:

The present and future public convenience and necessity require operation by applicant, performing the service described in the appendix. Applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. An appropriate certificate should be granted subject to the republication condition in the appendix. This decision does not significantly affect the quality of the human environment.

It is order:

The application is granted to the extent set forth in the appendix.

Operations may begin only following service of *certificate* which will be issued if applicant complies with the following requirements set forth in the Code of Federal Regulations: insurance (49 CFR 1043), designation of process agent (49 CFR 1044), and tariffs (49 CFR 1310).

Compliance with these requirements must be made within 90 days after the date of service of this decision or the grant of authority shall be void.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman.

Agatha L. Mergenovich,
Secretary.

Appendix

Authority to conduct the following operations will be issued in an appropriate document. This decision does not constitute authority to operate.

To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular route, transporting: (1) *aluminum rods and coil, and electrical cable*, from Tucker, GA, and Bay Saint Louis, MS, to points in the United States (except Alaska and Hawaii), and, (2) *materials, equipment, and supplies used in the manufacture, distribution, and sale of the commodities in (1) above*, (except commodities in bulk), from points in the United States (except Alaska and Hawaii) to Tucker, GA, and Bay Saint Louis, MS.

Special Condition:

Issuance of a certificate in this proceeding is conditioned on prior publication in the **Federal Register** of a notice of the authority actually granted. Issuance of a certificate will be delayed until 30 days after such publication and the disposition of any petitions for leave to intervene filed within that time.

[FR Doc. 79-26904 Filed 8-28-79; 8:45 am]

BILLING CODE 7035-01-M

[Amdt. 6, Exemption No. 149]

Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241.

Upon further consideration of Exemption No. 149 issued April 28, 1978.

It is ordered, That under authority vested in me by Car Service Rule 19, Exemption No. 149 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 is amended to *expire November 30, 1979*.

This amendment shall become effective August 15, 1979.

Issued at Washington, D.C., August 14, 1979.

Interstate Commerce Commission.

Joel E. Burns,
Agent.

[FR Doc. 79-26899 Filed 8-28-79; 8:45 am]

BILLING CODE 7035-01-M

Fourth Section Application for Relief

August 24, 1979

This application for long-and-short-haul relief has been filed with the I.C.C. Expedited handling of the application has been granted.

FSA 43740, Southwestern Freight Bureau, Agent No. B-23, reduced rates on furniture from stations in Southern Territory to stations in Southwestern Territory published in Supplement 251 to Tariff ICC SWFB 2007-H to be effective September 19, 1979 and to expire with September 30, 1979. Grounds for relief—motor competition and improved car utilization. Authority has been requested to advance effective date to earliest date possible. Protests against grant of relief are due at the offices of the Commission, Suspension and Fourth Section Board, in Washington, D.C., not later than noon, September 6, 1979. Telegraphic filing with indication of notarization is acceptable.

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-26900 Filed 8-28-79; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-129701 (Sub-No. 7) F]

Operating Rights Application; Jasper Furniture Forwarding, Inc., Extension—Santa Claus, IN (Huntingburg, IN)

Decided: August 16, 1979.

Applicant seeks a certificate of public convenience and necessity transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in

bulk, and those requiring special equipment), between Evansville and Indianapolis, IN, Louisville, Owensboro, and Princeton, KY, Cincinnati, OH, Chicago, IL, and the facilities of Soundesign Corp., at or near Santa Claus, IN, restricted to the transportation of traffic having a prior or subsequent movement by rail. The application is opposed by Intermodal Transportation Services, Inc., and R-W Service System, Inc., motor common carriers.

The application is supported by Soundesign Corp. of Santa Claus, a major manufacturer of phonographs and stereo systems. Soundesign requires the services of a carrier to transport its finished products from its Santa Claus plant to rail facilities at Evansville, Indianapolis, Louisville, Owensboro, Princeton, Cincinnati, and Chicago (hereinafter rail facilities). From these points the goods are moved in trailer-on-flatcar or container-on-flatcar service to points throughout the country. Similarly, shipper requires the movement of supplies and materials from these rail facilities to its Santa Claus plant.

Shipper estimates that 1,200 trailer loads of supplies and materials will move to its facility in 1979 and an equal number of trailer loads of product will move outbound. If this application is granted, applicant will be tendered 80 to 90 percent of this traffic, which is now moving by a combination of motor common carrier, private carriage, and rail. Shipper argues existing motor carriers lack either the capacity or the willingness to satisfy its requirements. Regular-route common carriers are reluctant to transport traffic having a prior or subsequent rail movement, and shipper's private carriage operation is burdened. Shipper has previously supported carriers seeking authority between applicant's facility and Cincinnati and Louisville.

Applicant will provide a short-haul shuttle service moving containers and piggyback trailers both empty and loaded from shipper's facility to the rail facilities and vice-versa.

A large percentage of shipper's inbound materials arrive in foreign owned containers which may not be used for domestic movements. In addition, the number of inbound loads moving in piggyback trailers is insufficient to provide shipper with an adequate supply of piggyback trailers for outbound movements. Because of these equipment imbalances and the need to return equipment to the railroads as expeditiously as possible, applicant argues it requires the authority to transport general commodities between the points for which authority is sought. This broad grant would allow applicant the flexibility of filling empty

equipment with the freight of other shippers, thus preventing empty, unproductive movements.

Protestant Intermodal is authorized, as here pertinent, to transport general commodities, with named exceptions, having a prior or subsequent movement by rail between points in Indiana, on the one hand, and, on the other, Cincinnati. It also holds temporary authority between Louisville and points in Indiana. Intermodal has not "recently" been serving shipper, and has no objection to a grant of radial authority from and to shipper's facility at Santa Claus. Protestant argues shipper has not demonstrated the movement of any traffic other than that moving from and to its plant.

Protestant R-W is authorized, as here pertinent, to transport the involved commodities between Chicago and Indianapolis, and between Chicago and Cincinnati. Protestant is not authorized to serve Santa Claus. Protestant is ready to serve shipper within the confines of its authority, but argues applicant is seeking "non-radial" authority when the only support is for "radial" authority.

Applicant has demonstrated that shipper has a substantial volume of phonographs, stereo systems, and stereo components moving from shipper's Santa Claus plant to railroad facilities at the named cities, and materials and supplies used in the manufacture of the above commodities moving from the rail facilities, in the reverse direction. Shipper has demonstrated the inadequacy of existing service and applicant has, through its service under temporary authority, demonstrated its ability to provide the required service.

Applicant justifies its request for general commodity, non-radial authority by arguing its must have the flexibility to balance the flow of equipment moving to shipper's plant. However, applicant has failed to present evidence of any traffic other than that of the supporting shipper.

While we recognize that authorizing general commodity, non-radial authority will allow applicant greater flexibility and present the possibility of more efficient and economical operations, applicant has failed to present a prima facie case with respect to the broad authorization sought. Accordingly, we have limited the grant of authority set forth in the appendix to that for which a need has been shown; that is, generally, the outbound movement of shipper's products, and inbound movement of the supplies and equipment used in the manufacture of those products, and the movement of empty containers, trailers, and trailer chassis between the shipper's plant and the rail facilities.

Because the authority granted does not conflict with that of protestant R-W

System and because protestant Intermodal has no objection to a grant of radial authority from and to the shipper's plant, we need not discuss protestants' evidence.

Applicant has demonstrated a need for the movement of empty containers, trailers, and trailer chassis between shipper's plant and the rail facilities. Because these commodities are not embraced by the "general commodities" with exceptions description employed in the Federal Register publication of the authority sought, and because it is possible persons who have relied upon the notice as published may have an interest in and would be prejudiced by the lack of notice of the authority described in the appendix, a notice of the authority actually granted will be published in the Federal Register and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication. During that period, any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

We find:

The present and future public convenience and necessity require operation by applicant, performing the service described in the appendix. Applicant is fit, willing, and able properly to perform such service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. This decision does not not significantly affect the quality of the human environment. An appropriate certificate should be granted.

It is ordered:

The application is granted to the extent set forth in the appendix. Operations may begin only following the service of a certificate which will be issued if applicant complies with the following requirements set forth in the Code of Federal Regulations: insurance (49 CFR 1043), designation of process agent (49 CFR 1044), and tariffs (49 CFR 1310).

Compliance with these requirements must be made within 90 days after the date of service of this decision or the grant of authority shall be void.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones (Member Carleton did not participate).

Agatha L. Mergenovich,
Secretary.

APPENDIX

Authority to conduct the following operations will be issued in an appropriate document. This decision does not constitute authority to operate.

To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *phonographs, stereo systems, and stereo components* from the facilities of Soundesign Corp., at or near Santa Claus, IN, to Evansville and Indianapolis, IN, Louisville, Owensboro, and Princeton, KY, Cincinnati, OH, and Chicago, IL, (2) *materials and supplies used in the manufacture of the commodities in (1) above*, in the reverse direction, and (3) *empty containers, trailers, and chassis* between the facilities of Soundesign Corp., at or near Santa Claus, IN, on the one hand, and, on the other, Evansville and Indianapolis, IN, Louisville, Owensboro, and Princeton, KY, Cincinnati, OH, and Chicago, IL, restricted in (1), (2), and (3) above to the transportation of traffic having a prior or subsequent movement by rail.

Condition:

The above service is subject to prior publication in the *Federal Register* of a notice of the authority actually granted by this decision.

[FR Doc. 79-26902 Filed 8-28-79; 8:45 am]

BILLING CODE 7035-01-M

Petitions, Applications, Finance Matters (Including Temporary Authorities), Alternate Route Deviations, Intrastate Applications, Gateways, and Pack & Crate.

North Shore & Central Illinois Freight Co.—Purchase—D. F. Giammetta d.b.a. B&G Transfer Co.

Action by Division 2, Acting as an Appellate Division, in finance docket No. MC-F-13982 North Shore & Central Illinois Freight Co.—Purchase—D. F. Giammetta d.b.a. B&G Transfer Company.

Application for authority under 49 U.S.C. 11349 by North Shore & Central Illinois Freight Co. (lessee) of Hickory Hills, IL, for temporary operation of the motor-carrier rights and properties of D. F. Giammetta d.b.a. B&G Transfer Company (lessor) of Davenport, IA, granted August 24, 1979, provided within 30 days from that date North Shore & Central Illinois Freight Co. shall have (1) complied with 49 U.S.C. 10927, 10762 and 10330, and rules and regulation prescribed thereunder; (2) instituted operations pursuant to the authority granted; and (3) confirmed, in writing, to the Commission, immediately upon

commencement of operations, the date operations were commenced.

Agatha L. Mergenovich,
Secretary.

Applicant's representative will be notified by telephone: James C. Hardman and William F. Murphy, 33 North LaSalle Street, Chicago, IL 60602. Telephone: (312) 236-5944.

[FR Doc. 79-26903 Filed 8-28-79; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 29]

Petitions, Applications, Finance Matters (Including Temporary Authorities), Alternate Route Deviations, Intrastate Applications, Gateways, and Pack & Crate.

Dated: August 17, 1979.

Petitions for Modification, Interpretation or Reinstatement of Motor Carrier Operating Rights Authority

The following petitions seek modification or interpretation of existing motor carrier operating rights authority, or reinstatement of terminated motor carrier operating rights authority.

All pleadings and documents must clearly specify the suffix numbers (e.g., M1 F, M2 F) where the docket is so identified in this notice.

The following petitions, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the *Federal Register* with a copy being furnished the applicant. Protests to these applications will be *rejected*.

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that if (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

MC 29643 (Sub-7) (M1F), filed March 19, 1979. (Notice of filing of petition to modify certificate.) Petitioner: WALSH TRUCKING SERVICE, INC., 50 Burney Avenue, Massena, NY 13662. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York,

NY 10048. Petitioner holds motor *common carrier* certificate in MC 29643 (Sub-7), issued April 28, 1978, which authorizes, as pertinent, the transportation of *general commodities* (usual exceptions), between points in St. Lawrence and Franklin Counties, NY, on the one hand, and, on the other, points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Rhode Island, Delaware, New Hampshire, Vermont, and those points in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Hwy 11 to junction U.S. Hwy 15, then along U.S. Hwy 15 to the Pennsylvania-Maryland State line, restricted against the transportation (1) of traffic originating at or destined to points in Canada, (2) of milk and milk products, except those in hermetically sealed containers, from and to designated points, and (3) of food and food products, in vehicles equipped with mechanical refrigeration, between designated points. By the instant petition, petitioner seeks to eliminate the first restriction, "restricted against the transportation of traffic originating at or destined to points in Canada."

MC 107403 (Sub-744) (M1F), filed May 7, 1979. (Notice of filing of petition to modify certificate). Petitioner: MATLACK, INC, 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Allen H. Knouft (same address as petitioner). Petitioner holds motor *common carrier* certificate in MC 107403 (Sub 744) issued October 2, 1968, and revised June 17, 1970, which authorizes the transportation, as pertinent, of *acids and chemicals* (not including liquefied petroleum gases), in bulk, from Lake Charles, LA, and points within 5 miles thereof, to points in Alabama, Arkansas, Florida, Georgia, Mississippi, Oklahoma, Tennessee (except Kingsport), Texas, restricted against the transportation of (1) paints, paint materials, and resins, to Garland, TX, (2) new catalyst, in covered-hopper vehicles, to points in Arkansas, Oklahoma, and Texas, (3) spent catalyst, in covered-hopper vehicles, to points in Arkansas and Oklahoma, (4) soda ash, in hopper-type vehicles, to the plant site of Jefferson Chemical Company, Inc., at Port Neches, TX, (5) barite ore, in tank or hopper-type vehicles, to points in Texas, and (6) nitric acid, to points in Texas within 350 miles of Lake Charles, LA. By the instant petition, petitioner seeks to remove restriction (6) which restricts against the transportation of nitric acid, to points in Texas within 350 miles of Lake Charles,

LA. (Hearing site: Washington, DC, or Philadelphia, PA.)

MC 114552 (Sub-32) (M1F), filed April 17, 1979. (Notice of filing of petition to modify certificate.) Petitioner: SENN TRUCKING COMPANY, P.O. Box 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Petitioner holds motor *common carrier* certificate in MC 114552 (Sub-32), issued April 2, 1968, and reissued August 6, 1975, which authorizes the transportation of *citrus pulp, citrus meal, shells, and shell products*, (1) from points in Florida to points in Alabama, South Carolina, those in North Carolina west of U.S. Hwy 1, points in Georgia (except Atlanta, Macon, and Waycross and points in their commercial zones as defined by the Commission), and Tennessee (except Chattanooga and Nashville and points in their commercial zones as defined by the Commission), restricted against the transportation of oyster shells, crushed, from Jacksonville, FL, to those points in Georgia on and north of U.S. Hwy 80, and (2) from points in Mobile county, AL, to points in Georgia, North Carolina, South Carolina, and Tennessee. By the instant petition, petitioner seeks to eliminate the exceptions against serving particular points and also to eliminate the restriction, and make the certificate read as follows: *citrus pulp, citrus meal, shells, shell products*, (1) from points in Florida to points in Alabama, Georgia, North Carolina, South Carolina, and Tennessee, and (2) from points in Mobile County, AL, to points in Georgia, North Carolina, South Carolina, and Tennessee.

MC 114552 (Sub-158) (M1F) (Notice of filing of petition to modify certificate), filed May 21, 1979. Petitioner: SENN TRUCKING COMPANY, a corporation, Newberry, SC 29108. Representative: Gerald E. Jessup, 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Petitioner holds a motor *common carrier* Certificate in MC 114552 (Sub-158F) issued March 13, 1979, to transport in interstate or foreign commerce, over irregular routes, *Commodities of the type dealt in by retail home improvement and home furnishing and lumber stores* (except in bulk), Between points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MS, NJ, NC, OH, PA, SC, TN, VA, WV and DC, restricted to the transportation of traffic originating at or destined to the facilities of the Wickes Corporation in the above-named territories. By the instant petition, petitioner seeks to modify the

authority as follows: removal of the above restriction.

MC 115215 (Sub-13) (M1F) (Notice of filing of petition to modify certificate), filed March 1, 1979. Petitioner: NEW TRUCK LINES, INC., P.O. Box 639, Perry, FL 32347. Representative: Sol H. Proctor, 1101 Backstone Bldg., Jacksonville, FL 32202. Petitioner holds *common carrier* authority in MC 115215 (Sub-13), served August 11, 1975, and expires March 7, 1980. Said certificate authorizes the transportation over irregular routes, of (1) *explosives, explosive components, and explosive products* (except commodities in bulk and commodities because of their size or weight require the use of special equipment), from the plant site of Martin Electronics, Inc., at or near Perry, FL, to points in AL, AZ, AR, CA, CO, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NY, NC, OH, OK, OR, PA, RI, SC, TN, TX, UT, VA, WA, WV, and WI; and (2) *Materials and supplies* used in the manufacture of the above-named commodities (except commodities in bulk and commodities because of their size or weight require the use of special equipment), in the reverse direction. By this instant petition, petitioner seeks to modify the territorial description in (1) above to read "from points in Taylor County, FL," in lieu of from the plant site of Martin Electronics, Inc., at or near Perry, FL.

MC 116323 (M1F), filed April 9, 1979. (Notice of filing of petition to modify certificate.) Petitioner: STECALL MILLING CO., INC., P.O. Box 607, Marshville, NC 28103. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Petitioner holds motor *common carrier* certificate in MC 116323, issued June 10, 1957, and reissued November 17, 1975, which authorizes, as pertinent, *lumber and forest products*, except veneer and veneer products and plywood and plywood products, (1) from those points in North Carolina on and west of U.S. Hwy 301 to points in Georgia, Florida, Alabama, and South Carolina, and (2) from points in South Carolina to points in Georgia, Florida, Alabama, and those points in North Carolina on and west of U.S. Hwy 301. By the instant petition, petitioner seeks to remove the restriction as to the transportation of veneer and veneer products and plywood and plywood products.

MC 123233 (Sub-11) (MIF), filed March 15, 1979. (Notice of filing of petition to modify certificate.) Petitioner: PROVOST CARTAGE INC., 7887, Rue Grenache, Ville D'Anjou, Quebec, Canada H1J 1C4. Representative: J. P.

Vermette (same address as petitioner.) Petitioner holds motor *common carrier* certificate in MC 123233 (Sub-11), issued October 19, 1964, which authorizes the transportation of *zinc slabs and ingots*, from the port of entry on the United States-Canada Boundary line located at or near Fort Covington, NY, to Massena, NY. By the instant petition, petitioner seeks to have his certificate modified to read as follows: *zinc slabs and ingots*, from the ports of entry on the international boundary line between the United States and Canada, to Massena, NY.

MC 123233 (Sub-12) (MIF), filed March 15, 1979. (Notice of filing of petition to modify certificate.) Petitioner: PROVOST CARTAGE INC., 7887, Rue Grenache, Ville D'Anjou, Quebec, Canada H1J 1C4. Representative: J. P. Vermette (same address as petitioner.) Petitioner holds motor *common carrier* certificate in MC 123233 (Sub-12), issued August 25, 1965, which authorizes the transportation of *alcoholic beverages*, in bulk, in tank vehicles, from the ports of entry on the United States-Canada Boundary line at Champlain, Trout River, Ogdensburg, Alexandria Bay, and Buffalo, NY, and Detroit, MI, to Pekin, IL, Owensboro and Bardstown, KY, Pennington, NJ, and New York, NY, restricted to the transportation of traffic originating at points in the Province of Quebec, Canada. By the instant petition, petitioner seeks to modify his certificate to read as follows: *alcoholic beverages*, in bulk, in tank vehicles, from the ports of entry on the international boundary line between the United States and Canada to Pekin, IL, Owensboro, KY, Bardstown, KY, Pennington, NJ, and New York, NY.

MC 123233 (Sub-16) (MIF), filed March 15, 1979. (Notice of filing of petition to modify certificate.) Petitioner: PROVOST CARTAGE INC., 7887, Rue Grenache, Ville D'Anjou, Quebec, Canada H1J 1C4. Representative: J. P. Vermette (same address as petitioner.) Petitioner holds motor *common carrier* certificate in MC 123233 (Sub-16), issued February 11, 1966, which authorizes the transportation of *limestone*, in bulk, in tank and hopper vehicles, from points in VT to ports of entry on the United States-Canada Boundary line located at or near Champlain and Rouses Point, NY, and Highgate Springs, Derby Line, and Norton, VT, restricted to the transportation of traffic destined to points in the Province of Quebec, Canada. By the instant petition, petitioner seeks to modify the certificate to read as follows: *limestone*, in bulk, in tank vehicles, from points in VT to the ports of entry on the international

boundary line between the United States and Canada.

MC 123233 (Sub-20) (M1F), filed March 15, 1979. (Notice of filing of petition to modify certificate.) Petitioner: PROVOST CARTAGE INC., 7887, Rue Grenache, Ville D'Anjou, Quebec, Canada H1J 1C4. Representative: J. P. Vermette (same address as petitioner). Petitioner holds motor *common carrier* certificate in MC 123233 (Sub-20), issued November 25, 1968, which authorizes the transportation of *starch*, in bulk, in tank vehicles, from Massena, NY, to the port of entry on the United States-Canada boundary line located at or near Roosevelttown, NY. By the instant petition, petitioner seeks to modify the certificate to read as follows: *starch*, in bulk, in tank vehicles, from Massena, NY, to the ports of entry on the international boundary line between the United States and Canada.

MC 123233 (Sub-25) (M1F), filed March 15, 1979. (Notice of filing of petition to modify certificate.) Petitioner: PROVOST CARTAGE INC., 7887, Rue Grenache, Ville D'Anjou, Quebec, Canada H1J 1C4. Representative: J. P. Vermette (same address as petitioner). Petitioner holds motor *common carrier* certificate in MC 123233 (Sub-25), issued May 11, 1971, which authorizes the transportation of *chemicals*, in bulk, in tank vehicles, from ports of entry on the United States-Canada Boundary line at or near Trout River, Alexandria Bay, Roosevelttown, Ogdensburg, and Champlain, NY, Highgate Springs, Derby Line, and Norton, VT, Jackman, Van Buren, Houlton, Vanceboro, and Calais, ME, to Livermore Falls, Rumford, Lincoln, Great Works, and Cumberland Mills, ME, and points in VT, NH, MA, CT, RI, NY, NJ, DE, MD, PA, and OH, restricted to the transportation of traffic originating at the plant site of Brockville Chemical Industries, Limited, at Maitland, Ontario, Canada. By the instant petition, petitioner seeks to modify the certificate to read as follows: *chemicals*, in bulk, in tank vehicles, from the ports of entry on the international boundary line between the United States and Canada, to Livermore Falls, Rumford, Lincoln, Great Works, and Cumberland Mills, ME, and points in VT, NH, MA, CT, RI, NY, NJ, DE, MD, PA, and OH.

MC 123233 (Sub-50) (M1F), filed March 15, 1979. (Notice of filing of petition to modify certificate.) Petitioner: PROVOST CARTAGE INC., 7887, Rue Grenache, Ville D'Anjou, Quebec, Canada H1J 1C4. Representative: J. P. Vermette (same address as applicant). Petitioner holds motor *common carrier* certificate in MC 123233 (Sub-50), issued

September 11, 1974, which authorizes the transportation of *liquid chemicals*, in bulk, in tank vehicles, from ports of entry on the United States-Canada Boundary line located in ME, NY, and VT, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, OH, RI, and VT, restricted to the transportation of traffic originating at the plant site of Canadian Industries Limited or Cornwall Chemicals Limited at Cornwell, Ontario, Canada.

By the instant petition, petitioner seeks to modify the certificate to read as follows: *liquid chemicals*, in bulk, in tank vehicles, from the ports of entry on the international boundary line between the United States and Canada to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, OH, RI, and VT.

MC 133532 (Sub-1) (M1F) (Notice of filing of petition to modify permit) filed May 29, 1979. Petitioner: BENRUS TRUCKING DIVISION, INC., Box 2665, Newburgh, NY 12550. Representative: Ronald I. Shapss, Esq., 450 Seventh Avenue, New York, NY 10001. Petitioner holds a motor *contract carrier* Permit in MC 133532 (Sub-1), issued February 18, 1970, to transport in interstate or foreign commerce, over irregular routes, (1) *Pallet and storage racks, shelving, and shelving sections*, (2) *Metal tubing, panels, grating, and angles*, (3) *accessories, supplies and equipment* used in the installation and erection of the commodities described in (1) and (2) above, and (4) *advertising materials and displays* used in connection with the commodities described in (1) and (2) above. From Newburgh, NY, and points in the New York, NY Commercial Zone, as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by section 203(b)(8) of the Act (the exempt zone), to points in AL, CT, DE, FL, GA, IL, IN, KY, MD, MA, MI, MS, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, WI, and DC, with no transportation for compensation on return except as otherwise authorized.

Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: Dexion Incorporated, and Dexion Manufacturing Co., Inc.

By the instant petition, petitioner seeks to modify the authority as follows: (1) to allow for the means of production (materials and supplies), to be brought in the reverse direction of what is now strictly outbound freight, and (2) to indicate that Dexion, Inc., the contract

shipper is now a wholly owned subsidiary of Interlake, Inc.

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission on or before September 28, 1979. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 128273 (Sub-299F) (Republication), filed April 14, 1978, published in the FR issue of July 27, 1978, and republished this issue: Applicant: OLYMPIC FREIGHTWAYS, INC., 1801 West 31st Place, Chicago, IL 60608. Applicant's representative: Elden Corban (Same as above). A Decision of the Commission, *Review Board No. 3*, decided March 26, 1979, and served April 18, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting *animal food and animal food ingredients* (except commodities in bulk, in tank vehicles), from the facilities Star-Kist Foods, Inc., at Perham, MN, and Muscatine, IA, to points in the United States (except Alaska and Hawaii), restricted to the transportation of shipments originating at the named facilities of the shipper; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to change the route description and add the restriction.

MC 139673 (Sub-4F) (Republication), filed July 17, 1978, published in the FR issue of September 12, 1978, and republished this issue: Applicant: JAMES H. STEGER, d.b.a. STEGER BUS LINES, 4150 Aldebaran Way, Mobile, AL 36609. Representative: Robert E.

Tate, P.O. Box 517, Evergreen, AL 36401. A decision of the Commission, *Review Board No. 2*, decided May 23, 1979, and served June 22, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting passengers and their baggage, in charter operations, beginning and ending at Mobile and Prichard, AL, and extending to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas (except Alabama); that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to add "Prichard, AL" to the route description.

MC 142692 (Sub-4F) (Republication), filed March 13, 1978, published in the FR issue of May 11, 1978, and republished in this issue: Applicant: OHIO VALLEY REGIONAL TRANSPORTATION AUTHORITY, a public transit operator, P.O. Box 311, Wheeling, WV 26003. Representative: Terry A. LaBar, P.O. Box 311, Wheeling, WV 26003. A Decision of the Commission, *Review Board No. 3*, decided April 9, 1979, and served April 25, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting passengers and their baggage, in charter operations, beginning and ending at Wheeling, WV, and points in its commercial zone, and extending to points in Pennsylvania, Ohio, and West Virginia; that applicant is fit, willing, and able properly to perform this service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to change the commodity and route descriptions.

MC 143456 (Sub-3F) (Republication), filed September 11, 1978, published in the FR issue of November 28, 1978, and republished in this issue: Applicant: THEODORE ROSSI TRUCKING CO., INC., P.O. Box 332, Barre, VT. 05641. Representative: William L. Rossi (same address as applicant). A Decision of the Commission, *Review Board No. 3*, decided August 1, 1979, and served August 8, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign

commerce, as a *contract carrier*, by motor vehicle, over irregular routes, transportation of (1) *stone, stone working materials, stone working equipment, and stone working supplies*, between the facilities of Rock of Ages Corporation, at Barre, Bethel, and Graniteville, VT, and the facilities of Rock of Ages Building Granite Corporation at Concord, NH, (2) *building stone* (a) from the facilities of Rock of Ages Corporation, at Barre, Bethel, and Graniteville, VT, to points in Maryland, Ohio, Pennsylvania, Virginia, and the District of Columbia, and (b) from the facilities of Rock of Ages Building Granite Corporation, at Concord, NH, to points in Texas, and those in the United States in and east of Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, and Louisiana, and (3) *rough granite and stone working manufacturing materials, equipment, and supplies*, from points in Texas, and those in the United States in and east of Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, and Louisiana, to the facilities of Rock of Ages Corporation, at Barre, Bethel, and Graniteville, VT, and the facilities of Rock of Ages Building Granite Corporation at Concord, NH, restricted in (1), (2), and (3) to service under a continuing contract(s) with Rock of Ages Corporation, of Barre, VT, or Rock of Ages Building Granite Corporation, of Concord, NH, will be consistent with the public interest and the national transportation policy. The purpose of this republication is to modify the authority as originally published.

Motor Carrier Operating Rights Applications

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the *Federal Register* with a copy being furnished the applicant. Protests to these applications *will be rejected*.

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities

of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

Superhighway

MC 1515 (Sub-262F), filed April 2, 1979. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting passengers and their baggage, and express and newspapers, in the same vehicle with passengers, (1) between Elmhurst, IL, and Madison, WI, from Elmhurst, IL over Interstate Hwy 90 to junction U.S. Hwy 12, then over U.S. Hwy 12 to Madison, WI, and return over the same route, (2) between junction IL Hwy 25 and Interstate Hwy 90 north of Elgin, and junction IL Hwy 31 and Interstate 90 north of Elgin, from junction IL Hwy 25 and Interstate Hwy 90 over IL Hwy 25 to Elgin, IL, then over IL Hwy 31 to junction Interstate Hwy 90, and return over the same route, (3) between junction unnumbered hwy and Interstate Hwy 90 south of Belvidere, IL, and Belvidere, IL, over unnumbered hwy, (4) between junction unnumbered hwy and Interstate Hwy 90 north of Cherry Valley, IL and Cherry Valley, IL, over unnumbered hwy, (5) between junction unnumbered hwy and Interstate Hwy 90 east of Rockford, IL and Rockford, IL, over unnumbered hwy, (6) between junction IL Hwy 75 and Interstate Hwy 90 near the IL-WI State

line and Beloit, WI, from junction IL Hwy 75 and Interstate Hwy 90 over IL Hwy 75 to junction U.S. Hwy 51, then over U.S. Hwy 51 to Beloit, WI, and return over the same route, and (7) between junction WI Hwy 11 and Interstate Hwy 90 east of Janesville, WI and Janesville, WI, over WI Hwy 11, serving in (1) through (7) above all intermediate points.

Note.—Applicant requests that MC 1515 Deviation No. 163 be coincidentally cancelled upon grant of the requested authority. Common control may be involved.

Permanent Authority Decisions; Decision-Notice

Decided: August 15, 1979.

The following broker, freight forwarder or water carrier applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the *Federal Register*. Failure to file a protest within 30 days will be considered as a waiver of opposition to the application. A protest under these rules shall comply with Rule 247(e)(3) of the *Rules of Practice* which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, as specifically noted below, and specify with particularity the facts, matters, and things relied upon. The protest shall not include issues or allegations phrased generally. A protestant shall include a copy of the specific portion of its authority which it believes to be in conflict with that sought in the application, and describe in detail the method whether by joinder interline, or other means—by which protestant would use this authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission. A copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intent timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an

application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly noted, this decision is neither a major environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Carlton, Jones, and Joyce. Member Jones not participating.

Freight Forwarder Authority

FF-515F, filed March 30, 1979.
Applicant: CAL HONO FREIGHT FORWARDERS, INC., 3532 Katella Ave., Los Alamitos, CA 90720. Representative:

David P. Christianson, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. Authority granted to operate as a *freight forwarder*, in interstate commerce of *food*, between points in the United States, including HI, but excluding AK, restricted to the use of facilities of common carriers by rail and motor vehicle. (Hearing site: Honolulu, HI.)

Broker Authority

MC 130199 (Sub-3F), filed June 15, 1979. Applicant: GADABOUT TOURS, INC., d.b.a. ANDERSON TRAVEL SERVICE, 700 East Tahquitz-McCallum Way, Palm Springs, CA 92262. Representative: L. C. Major, Jr., Overlook Building, Suite 400, 6121 Lincoln Road, Alexandria, VA 22312. To engage in operations, in interstate or foreign commerce, as a *broker*, at Phoenix, AZ, and Oceanside, CA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, in round-trip tours, between points in the United States, including AK and HI. (Hearing site: Phoenix, AZ, or Palm Springs, CA.)

MC 130578F, filed June 13, 1979. Applicant: KARL STORCH, d.b.a. SUN TOURS, 2420 Broadway, NE, Albuquerque, NM 87103. Representative: Michael Casey, 313 Sixth Street, Albuquerque, NM 87103. To engage in operations, in interstate or foreign commerce, as a *broker*, at Albuquerque, NM, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, beginning and ending at points in Bernalillo and Sante Fe Counties, NM, and extending to points in the United States, including AK and HI. (Hearing site: Albuquerque, NM.)

MC 130579F, filed June 13, 1979. Applicant: MARILYN M. POTTER, d.b.a. VAGABOND COACH TOURS, 3725 3rd Street, NW, Rochester, MN 55901. To engage in operations, in interstate or foreign commerce, as a *broker*, at Rochester, MN, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in round-trip charter operations, beginning and ending at points in that part of MN bounded by a line beginning at the WI-MN State line, and extending over U.S. Hwy 61 to junction MN Hwy 19, then over MN Hwy 19 to junction MN Hwy 13, then over MN Hwy 13 to Albert Lea, then over U.S. Hwy 69 to the MN-IA to points in the United States including AK, but excluding HI. (Hearing site: Minneapolis, MN.)

MC 144537 (Republication), filed April 5, 1978, published in the FR August 17, 1978 and July 16, 1979, and republished

this issue. Applicant: MARVIN Y. NEELEY and NANCY B. NEELEY, a partnership d.b.a. SHUN PIKE TOURS, 100 South County Line Road, Telford, PA. 18969. Representative: Dennis Helf, Sixth and Chestnut Streets, Perkasie, PA. 18944. A decision of the Commission, Administrative Law Judge, dated April 6, 1979, and served April 13, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate and foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, transporting passengers, including baggage of passengers when transported in the same vehicle, in non-scheduled, door to door service in charter operations, limited to the transportation of not more than twelve passengers in any one vehicle, not including the driver thereof, between points in Bucks, Montgomery, Lehigh and Northampton Counties, PA., on the one hand, and, on the other, La Guardia Airport and John F. Kennedy International Airport, New York, NY, that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to modify the commodity and territorial description.

Finance Applications

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 11343 (formerly Section 5(2)) or 11349 (formerly Section 210a(b)) of the Interstate Commerce Act.

An original and one copy of protests against the granting of the requested authority must be filed with the Commission on or before September 28, 1979. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC F-14005F, Applicants: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316 and

CONNECTICUT FAST FREIGHT, INC., 1441 No. Colony Road, Meriden, CT 06450. Representative: Maurice F. Bishop, 601-09 Frank Nelson Bldg., Birmingham, AL 35203. Application under Section 5(1) of the Interstate Commerce Act for approval of an agreement for the pooling of services and traffic in interstate commerce to and from points in CT. Each of the applicants is a certificated motor common carrier. Connecticut Fast Freight, Inc. holds and operates under Certificate MC-120152 and subs, authorizing transportation of general commodities, with usual exceptions, serving multiple points in CT. Bowman Transportation, Inc. holds certificate MC-94201 and subs, authorizing transportation of general commodities, with usual exceptions, in the States of MA, RI, CT, NY, NJ, PA, KY, DE, VA, NC, SC, GA, FL, AL, TN, OH, IA, IL, MO, AR, MS, LA, KS, OK, TX and DC, and special commodities in states east of the Mississippi River. Applicants propose that traffic will be interlined or pooled at Meriden, CT and at other terminal points served by the parties as may be agreed. The proposal contemplates that Connecticut Fast Freight, Inc. will generally pickup and deliver freight in CT, but Bowman Transportation, Inc. has the right and will also originate and deliver freight, as is feasible. Copy of the application and the pooling agreement are on file in the Offices of the Commission for inspection of any interested party. Any party desiring to intervene in this proceeding must file a petition under Rule 247. Petitions not in compliance with the requirements of the rules will be rejected. An original and one copy of petitions to intervene shall be filed with the Commission and one copy shall be served concurrently upon applicant's representative. The application states that it does not involve a major action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975. In the absence of legally sufficient petitions for intervention filed within 30 days of publication, approval of the application will be entered.

MC F-14007F, Applicants: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316 and ART LOU TRUCKING, INC., Wood End Road, Stratford, CT 06497. Representative: Maurice F. Bishop, 601-09 Frank Nelson Bldg., Birmingham, AL 35203. Application under Section 5(1) of the Interstate Commerce Act for approval of an agreement for the pooling of services and traffic in interstate commerce to

and from points in CT. Each of the applicants is a certificated motor common carrier. Art Lou Trucking, Inc., holds and operates under Certificate MC-98998 and subs, authorizing transportation of general commodities, with usual exceptions, serving multiple points in CT. Bowman Transportation, Inc. holds certificate MC-94201 and sub, authorizing transportation of general commodities, with usual exceptions, in the States of MA, RI, CT, NY, NJ, PA, KY, DE, VA, NC, SC, GA, FL, AL, TN, OH, IA, IL, MO, AR, MS, LA, KS, OK, TX and DC, and special commodities in states east of the Mississippi River. Applicants propose that traffic will be interlined or pooled at Stratford, CT and at other terminal points served by the parties as may be agreed. The proposal contemplates that Art Lou Trucking, Inc. will generally pickup and deliver freight in CT, but Bowman Transportation, Inc. has the right and will also originate and deliver freight, as is feasible. Copy of the application and the pooling agreement are on file in the Offices of the Commission for inspection of any interested party. Any party desiring to intervene in this proceeding must file a petition under Rule 247. Petitions not in compliance with the requirements of the rules will be rejected. An original and one copy of petitions to intervene shall be filed with the Commission and one copy shall be served concurrently upon applicant's representative. The application states that it does not involve a major action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975. In the absence of legally sufficient petitions for intervention filed within 30 days of publication, approval of the application will be entered.

Proposed Federal Register Notice

MC F-14040F. Authority sought for acquisition of control of EAST SOUTH EXPRESS, INC., 3070 Nicholas Drive, N.E., Statesman Industrial Park, Roanoke, Virginia 24034, through acquisition of its capital stock by United Transport Industries, Inc., Post Office Box 1161, Akron, Ohio 44306, and control of such rights and properties by John J. Brutvan through the acquisition. Applicants' attorney: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Operating rights sought to be controlled under MC 138773 authorize *common carrier service, over irregular routes, transporting electric controllers and instruments requiring special equipment or special handling by reason of size or weight, and parts and*

attachments therefor when moving in connection therewith, from points in Roanoke County, VA to points in the U.S. (except AK, HI, VA, NC, SC, GA, WA, OR, CA, MT, ID, UT, NV, and FL); and authority sought in pending applications in MC 138773 Sub 2 F and MC 138773 Sub 3 F. United Transport Industries, Inc. is a non-carrier which controls Miller Transfer & Rigging Co., an irregular route common and contract carrier of specified commodities in 48 states. Application has not been filed for temporary authority.

MC F-14060F, filed June 15, 1979. Authority sought for control by NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ, 08360, of Northeastern Trucking Company, P.O. Box 26276, Charlotte, North Carolina, 28213. Applicant's attorney: Peter J. Nickles, 888 Sixteenth Street, N.W., Washington, D.C. 20006. Operating rights sought to be controlled: *general commodities*, except those of unusual value and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Philadelphia, Pa.; between Philadelphia, Pa., on the one hand, and, on the other, Rahway and Newark, N.J., and New York, N.Y.; between points and specified parts of North Carolina and Baltimore, Md., Bridgeton, N.J., certain points in Virginia and Pennsylvania. *General commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Philadelphia, Pa., and certain points in Connecticut; and certain points in New Jersey and Pennsylvania; between Spartanburg, S.C. and Darlington, S.C. serving specified intermediate and off-route points; between the North Carolina-South Carolina state line on U.S. highway 521 and Lancaster, S.C., serving no intermediate points. *General commodities*, except those requiring special equipment, household goods as defined by the Commission, cement in bulk, and unmanufactured leaf tobacco; between points in specified parts of North Carolina; *general commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; between points within 50 miles of Fairmont, N.C.; *general commodities*, except those of unusual value, and except dangerous explosives, household

goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading; between points and places in Sumter County, S.C., and Augusta, Atlanta and Columbus, Ga.; *general commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over irregular routes; between points and places in Georgia within fifteen miles of Savannah, Ga.; including Savannah. *Pianos*, other than pianos included within the description of household goods, as defined by the Commission, from Chicago, Ill., New York, N.Y., Newark, N.J., and Philadelphia, Pa., to points in South Carolina; *cotton textiles*, from Yadkin, Norwood, Albemarle, and Salisbury, N.C., to Baltimore, Md., and points in Pennsylvania on and east of U.S. Highway 15; *lawn mowers*, from Primos, Pa., to points in North Carolina and South Carolina; *used pianos*, other than used pianos included within the description of household goods as defined by the Commission, from points in Pennsylvania (except Philadelphia) to points in South Carolina; *fertilizer and fertilizer materials* (other than in bulk), from Charlotte, N.C., to points in that part of Tennessee on and east of U.S. Highway 127 except Knoxville, Tenn. *Pulpboard and Fiberboard*, not corrugated or indented, from the plant site of the Riegel Paper Corp., at Riegelwood, N.C., to Fayetteville, Laurinburg, Raleigh, and Rocky Mount, N.C.; *fertilizer*, from points in Charleston County, S.C., to points in Chesterfield, Darlington, Dillon, Marion and Marlboro Counties, S.C. *Cotton in bales and livestock*, between points in South Carolina; *textile machinery, equipment and supplies*, between points in Spartanburg County, S.C., and between points in Spartanburg County, S.C. and other points in South Carolina; *unfinished cotton piece goods*, between points in South Carolina and certain plants in Aiken, Anderson, Darlington, Greenville, Greenwood, Spartanburg and York Counties, S.C.; *plywood*, from Weldon, N.C., to Nashua, N.H.; *textiles* from Farmville, N.C. to Pen Argyl, Pa.; *paper*, from Plymouth, N.C., to points in Connecticut, Massachusetts, Rhode Island, New Jersey, New York (except those points on Long Island east of the

New York, N.Y., commercial zone as defined by the Commission), and certain points in Pennsylvania; *animal and pet food* (except in bulk, in tank vehicles), from Woburn, Boston and Lawrence, Mass., to points in Virginia, Tennessee, and Kentucky; *animal feed*, except in bulk, from the plant site at or near Golden Meadow, La., and storage facilities at or near Lockport, La., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Virginia, Tennessee, Kentucky, Ohio, Indiana, West Virginia, Maryland, Pennsylvania, and the District of Columbia; *paper*, from Plymouth, N.C. to Concord, N.H., and Portland, Maine; *candy and confectionery products*, except in bulk, *advertising materials and premium merchandise*, moving and mixed loads with candy and confectionery products, except commodities in bulk, and *materials and supplies* used in the manufacture, sale and/or distribution of candy and confectionery products except commodities in bulk; between plant sites and storage facilities at or near Campbellsville, Ky., and points in Alabama, Connecticut, Florida, Georgia, Illinois, Indiana (except Anderson, Evansville, Fort Wayne, Indianapolis, and Marion), Louisiana, Maine, Massachusetts, Michigan (except Detroit, Flint, Lansing, Pontiac, and Saginaw), Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio (except Cincinnati and Dayton), Pennsylvania, Rhode Island, South Carolina, Tennessee (except Memphis and Knoxville), Texas, Vermont, Virginia, and the District of Columbia. *Malt beverages and related advertising materials*, from Newark, N.J., to Bristol and Norton, Va.; *petroleum and petroleum products*, in containers, from the plant site and storage facilities of Exxon Corporation at Baton Rouge, La., to points in North Carolina; paper bags, from Richmond, Va., to Champaign, Ill.; *paper*, from Riegelwood and Roanoke Rapids, N.C., to points in Connecticut, Massachusetts, Rhode Island, New Jersey, certain points in Pennsylvania, Concord, N.H., Portland, Maine, and certain points in New York; *groceries*, from Asheville, N.C., to Copperhill, Tenn., from Richmond and Norfolk, Va., Chattanooga, Tenn., Charleston, Greenville and Columbia, S.C., Cincinnati, Ohio, Louisville, Ky., Indianapolis, Ind., and Chicago, Ill., to Asheville, N.C., and certain points in North Carolina; *paper and paper products*, from Canton and Asheville, N.C., to certain specified points in Virginia, Ohio, Tennessee, and South

Carolina; from Cincinnati, Hamilton, Middletown and Troy, Ohio and Richmond and Norfolk, Va., to Asheville, N.C.; from Chicago, Ill. and Hattstown, W. Va., to points in that part of North Carolina on and west of U.S. Highway 29; from Roanoke Rapids, N.C. to points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin, and to St. Louis, Missouri; such merchandise as is dealt in by wholesale grocery and food business houses, except fresh meat, eggs, poultry, and products of food-processing and meat packinghouses, and packinghouse by-products, and advertising material and premiums for food-processing and meat packinghouses, from Charleston, S.C., Wilmington, N.C., and Norfolk, Va., to Charlotte, N.C.; from Charlotte, N.C. to points in South Carolina; *pipe, machinery, and machinery parts*, from Charlotte, N.C., to points in South Carolina; *animal feed*, in containers, from the storage facilities of Lipton Pet Foods, Inc., at or near New Orleans, La., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Virginia, Tennessee, Kentucky, Ohio, Indiana, West Virginia, Maryland, and Pennsylvania, and the District of Columbia; *Forest products*, from Scotland Neck, N.C., to points in Connecticut, New Jersey and Virginia and certain points in New York and Pennsylvania; *fabricated sheet metal products* (except commodities which because of size and weight require the use of special equipment), from the plant site and storage facilities of Acme Manufacturing Co., at Philadelphia, Pa., to points in that part of Tennessee located on and east of U.S. Highway 27 and points in Virginia; from the plant site and storage facilities of Acme Manufacturing Co., at Atlanta, Ga., to points in Alabama, Kentucky, Mississippi and Tennessee. Application has been filed for temporary authority under Section 11349.

MC F-14084F. Authority sought for control by NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360, of CROSS TRANSPORTATION, INC., Carl's Corners, Bridgeton, N.J. 08302, and for acquisition by BERNARD A. BROWN, also of Vineland, N.J. of control CROSS TRANSPORTATION, INC., through the acquisition by NATIONAL FREIGHT, INC. Applicant's Attorney: Peter J. Nickles, 888 16th Street, Washington, D.C. 20006. Operating rights sought to be controlled: *General commodities*, except those of unusual value, and except liquors, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*,

17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over regular routes, between Philadelphia, Pa., and Bridgeton, N.J.; *general commodities*, except those of unusual value, and except dangerous explosives, bakery products and containers, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467; commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between New Brunswick, N.J., and Philadelphia, Pa.; *general commodities*, except those of unusual value, livestock, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Boston, Mass., and Newark, N.J., serving all intermediate points in Massachusetts, and the off-route points of Salem, and Fall River, Mass., Staffordville, Conn., and Trenton, and Farmingdale, N.J., between Boston, Mass., and Newark, N.J., serving no intermediate points, between Lawrence, Mass., and Boston, Mass., serving all intermediate points, and the off-route points of Lowell, Haverhill, and Methuen, Mass.; *General commodities*, except livestock, Classes A and B explosives, inflammables, commodities in bulk other than fertilizer, articles of unusual size or value, and household goods as defined by the Commission, between Richmond, Va., and New York, N.Y., with service to and from the intermediate and off-route points of Washington, D.C., Baltimore, Md., Philadelphia, Pa., Trenton, Newark, Carteret, and North Bergen, N.J., restricted to traffic moving to or from Richmond; *excelsior*, from Montross, Va., to New York, N.Y., serving the intermediate points of Washington, D.C., Baltimore, Md., and Philadelphia, Pa., from Montross, Va., to New York, serving the intermediate points Baltimore, Md., and Philadelphia, Pa., and the off-route point of Washington, D.C.; *general commodities*, with exceptions specified, over irregular route, between Elizabeth, N.J., and points within 30 miles of Elizabeth, on the one hand, and on the other, Philadelphia, Pa., New York, N.Y., points in New Jersey, and those in Nassau and Westchester Counties, N.Y.; *general commodities*, excepting among other Classes A and B explosives, household goods, and commodities in bulk, between Boston, Mass., and certain

specified points in New York and New Jersey; *general commodities*, except those of unusual value, liquors, Classes A and B explosives, bakery products and containers, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Bridgeton, N.J., on the one hand, and, on the other, points in New Jersey (except those within 30 miles of Elizabeth, N.J.), with restriction; *general commodities*, except those of unusual value, and except Classes A and B explosives, furs, alcoholic beverages, household goods as defined by the Commission, livestock, silk, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between New York, N.Y., and certain specified points in New Jersey, on the one hand, and, on the other, Baltimore, Md., and Washington, D.C.; *glass containers*, from New York, N.Y., and Hoboken, N.J., to certain specified points in New York, and New London Counties, Conn., from Bridgeton, N.J., to certain specified points in Delaware, Boston, and Roxbury, Mass., and Relay, Md., from Bridgeton, N.J., to Bridgeport, Conn., Philadelphia, Pa., Wilmington, Del., Yonkers, and New York, N.Y., Baltimore, Md., and the District of Columbia; *boxes (with or without partitions)*, *paper fiberboard or pulpboard in sheets or rolls and paper, fiberboard or pulpboard lines or fillers*, from Bridgeton, N.J., to certain specified points in New York, Seaford, Del., Boston, and Roxbury, Mass., and Relay, Md., from Bridgeton, N.J., to certain specified points in New York; boxes, from Baltimore, Md., to Salem, N.J., from Bridgeton, N.J., to Philadelphia, Pa., between Bridgeton, N.J., and Baltimore, Md.; *caps and closures for glass containers*, from Glassboro, N.J., to certain specified points in New York, Seaford, Del., and Boston, Roxbury, Mass., and Relay, Md.; *Materials and supplies necessary for the manufacture and packing of glass containers*, from Philadelphia, Pa., to Bridgeton, N.J.; *canned goods*, from Bridgeton, N.J., to Philadelphia, Pa., Baltimore, Md., Hartford, Conn., Somerville, Mass., and points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665; *malt beverages*, from New York, N.Y., to certain specified points in Connecticut; *drugs*, from New York, N.Y., to Bridgeport and Stamford, Conn.; *tin plate*, from Baltimore, Md., to Paulsboro, N.J.; *fertilizer, fertilizer materials, seeds, and insecticides*, from New York, N.Y.,

and Hoboken, N.J., to Bridgeport and Stamford, Conn., Spring Valley, N.Y., and points on Long Island, N.Y., except those in Nassau County; *glass bottles, glass jars and packing glasses, bottle carrying boxes with or without partitions, corrugated fiber- and pulpboard paper in sheets or rolls, and fiberboard and pulpboard paper liners and fillers*, from Bridgeton, N.J., to certain specified points in Delaware, Maryland, Massachusetts, New York, Pennsylvania, and Virginia; *caps and closures for glass containers*, from Glassboro, N.J. to the destination points specified; cans, not exceeding 1 gallon capacity, and boxes not exceeding 1 quart capacity, from Baltimore, Md., to Hammonton and Minotola, N.J.; *glass containers and boxes (with or without partitions), paper, fiberboard or pulpboard in sheets or rolls and paper, fiberboard or pulpboard liners and fillers*, from Bridgeton, N.J., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia, and the District of Columbia; *caps, closures, and accessories* for same, from Glassboro, N.J., to points in the above-described destination territory; *wooden pallets*, from points in Massachusetts, Rhode Island, and that part of New York which is located west of U.S. Highway 15 from the New York-Pennsylvania State line to Springwater, N.Y., and New York Highway 15-A from Springwater to Rochester, but not including Rochester, to Bridgeton, N.J.; *glass containers*, and, when moving as part loads in connection therewith, *corrugated boxes*, knocked down, *caps and closures*, from Jersey City, N.J., to certain specified points in New York and Connecticut; *wooden pallets*, from points in Connecticut and New York, except New York, N.Y., and those in Nassau and Westchester Counties, N.Y., to Jersey City, N.J.; *plastic containers, plastic caps, plastic closures, and accessories* for the aforementioned commodities, from Glassboro, N.J., to points in Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia; *wooden pallets*, from the above-specified destination points to Glassboro, N.J.; *malt beverages, brewers' supplies, and empty containers*, excepting malt beverages and brewers' supplies, in bulk, in tank vehicles, between points in the described New York-New Jersey territory, on the one hand, and, on the other, points in Massachusetts, between Lawrence, and Boston, Mass., on the one hand, and, on the other, points in Connecticut, Rhode Island, and

Massachusetts; *glass and plastic containers, carboys, demijohns, jars, bottles, packing glasses, caps, covers, stoppers, closures, or tops, boxes, paper, fiberboard or pulpboard in sheets or rolls, fiberboard or pulpboard liners and fillers, and empty containers*, from Bridgeton and Glassboro, N.J., to points in Maine, New Hampshire, and Vermont; *glass containers and paper, fiberboard, or pulpboard boxes, liners, fillers, sheets and rolls*, from the plantsites, warehouses, or other facilities of Owens-Illinois, Inc., at North Bergen, N.J., to points in that part of Pennsylvania on the east of U.S. Highway 15 (except points in the Philadelphia, Pa., commercial zone as defined by the Commission, and York, Pa.), over one alternate route for operating convenience only. National Freight, Inc., is authorized to operate as a common carrier in New Jersey, Pennsylvania, Connecticut, New York, Massachusetts, Rhode Island, Delaware, Maryland, Florida, New Hampshire, Ohio, Vermont, Virginia, West Virginia, Wisconsin, Illinois, Indiana, Maine, Michigan, Minnesota, Missouri, North Carolina, South Carolina, Georgia, Arkansas, Iowa, Kansas, Kentucky, Nebraska, Louisiana, Alabama, Mississippi, Oklahoma, Texas, Tennessee, and the District of Columbia. Application has been filed for temporary authority under section 11349.

MC F-14085F. Applicants: CRST, INC., 3930 16th Avenue S.W. P.O. Box 68, Cedar Rapids, IA 52406, and WESTERN TRANSPORTATION COMPANY, 1300 West 35th Street, Chicago, IL 60609. Applicants' representatives: Robert E. Konchar, 2720 First Avenue N.E., P.O. Box 1943, Cedar Rapids, IA 52406, and Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Authority sought for CRST, Inc. of Cedar Rapids, IA, to purchase a portion of the operating rights of Western Transportation Company, of Chicago, IL, and for acquisition of control of such rights through the transaction by Herald A. Smith, Jr. and Miriam G. Smith, both of Cedar Rapids, IA. The operating rights sought to be purchased involve general commodities with the usual exceptions over the following regular routes: (1) From Chicago, IL, over U.S. Hwy. 34 to junction IL Hwy. 65, then over IL Hwy. 65 to Aurora, IL, then over IL Hwy. 31 to Oswego, IL, then over U.S. Hwy. 34 to junction IL Hwy. 92, then over IL Hwy. 92 to Moline, IL, then across the Mississippi River to Davenport, IA, and return over the same route; then over U.S. Hwy. 61 to junction IA Hwy 92, then over Hwy 92 to junction U.S. Hwy 218, then over U.S. Hwy 218 to Mt.

Pleasant, IA, then over U.S. Hwy. 34 to Ottumwa, IA, then over U.S. Hwy. 63 to Oskaloosa, IA, and then over IA Hwy. 63 to Oskaloosa, IA, and then over IA Hwy. 163 to Des Moines, and return over the same route. (2) From Waterloo over U.S. Hwy. 218 to junction U.S. Hwy. 18, then over U.S. Hwy. 18 to Mason City, IA, and return over the same route. Service is not authorized to or from intermediate points. (3) Between Keokuk, IA and Mt. Pleasant, IA, serving all intermediate points; from Keokuk over U.S. Hwy. 61 to junction U.S. Hwy. 218, then over U.S. Hwy. 218 to Mt. Pleasant, and return over the same route. (4) Serving Farmington, Bonaparte, Cantril, Milton, Keosauqua, Birmingham, Fairfield, Stockport, Hillsboro, Salem, Houghton, West Point, Fort Madison, Denmark, Douds, Pilot Grove, and Argyle, IA as off-route points in connection with the regular route authority in (3) above between Keokuk, IA and Mt. Pleasant, IA, over U.S. Hwy. 61 and 218. Vendee is authorized to operate pursuant to certificate MC 114273 and various subs thereunder as a common carrier in the states of CO, CT, DE, IL, IN, IA, KS, KY, MD, ME, MA, MI, MN, MO, NE, NH, NJ, NY, ND, OH, OK, PA, RI, SD, VA, VT, WV, and WI. Application has been filed for temporary authority under Section 210a(b).

MC F-14087F. Authority sought for purchase by North Iowa Express, Inc., 1921 N.E. 58th Ave., Des Moines, IA 50313, of a portion of the operating rights of Western Transportation Company, 1300 West 35th Street, Chicago, IL 60609, and for acquisition of control of such rights by Donald E. Schneider, 1921 N.E. 58th Ave., Des Moines, IA 50313 through the purchase. Applicant's Attorney: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. Operating rights sought to be transferred are as a common carrier, over regular routes, as follows: *General Commodities*, with the usual exceptions, between Waterloo, IA and Ft. Dodge, IA, over U.S. 20, serving all intermediate points. Application has been filed for temporary authority under Section 210a(b).

Note.—North Iowa Express, Inc. proposes to tack the authority sought to be acquired with its existing authority.

MC F-14088F. Authority sought for purchase by Sunderman Transfer Inc., Box 63, Windom, MN 56101, of a portion of the operating rights of LTL Perishables, Inc., 550 East 5th Street South, South St. Paul, MN 55075, and for acquisition by Sunderman Transfer Inc., of control of such rights through acquisition. Applicants representatives: Carl E. Munson, 469 Fischer Building,

Dubuque, IA 52001, and Paul Nelson, 550 East 5th Street So., So. St. Paul, MN 55075. Operating rights sought to be purchased are those contained in MC 135874 Sub No. 18, which authorize the transportation of: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides). From Minneapolis, MN, to points in IA, NE and SD, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. No duplicating authority involved but possible dual operations. Application has been filed for temporary authority under 49 U.S.C. 11349. (Hearing Site: Minneapolis, MN.)

MC FC-14089, F. Transferee: ADAMS LINES, INC., 2619 "N" Street, Omaha, NE 68107. Transferor: Pennsylvania & Illinois, Ltd., 654 West 21st Street, Chicago, IL 60600. Representative: D. Douglas Titus, of Titus, Holman, Myers & Teichgraber, 510 Benson Building, Sioux City, IA 51101. Attorney for Transferor: A. Charles Tell, George, Greek, King, McMahon & McConaughy, 110 East Broad Street, Columbus, OH 43215. Authority sought for purchase by transferee of operating rights of transferor as common carrier as follows: MC-129176 regular routes: *General Commodities* with the usual exceptions, From New Castle, PA and points within 20 miles of New Castle, to Gary, IN and Chicago and Cranston, IL, with no transportation for compensation on return except as otherwise authorized. MC-129176 (Sub-No. 1) *General Commodities*, except livestock, Between Chicago, IL and Joliet, IL: From Chicago over U.S. Hwy 66 and Alternate U.S. Hwy 66 to Joliet and return over the same route, serving all intermediate points and off-route points of Rockdale, Mokena, and Lemont, IL from Chicago over U.S. Hwy 66 to Cicero then IL Hwy 50 to junction IL Hwy 7, then over IL Hwy 7 to junction U.S. Hwy 6, then over IL Hwy 6 to Joliet and return over the same route; From Chicago over IL Hwy 4-A to Joliet and return over the same route. *General Commodities*, with the usual exceptions, Between Pittsburgh, PA and Toronto, OH: From Pittsburgh over U.S. Hwy 30 to East Liverpool, OH then over OH Hwy 7 to Toronto and return over the same route, serving all intermediate points and off-route points of Beaver Falls, Monaca and New Kensington, PA and points in Allegheny County, PA. Between Chicago, IL and McKeesport, PA serving all intermediate and off-route points and those in

Allegheny County, PA restricted to eastbound traffic: From Chicago over U.S. Hwy 20 to Gary, IN then over U.S. Hwy 6 to junction IN Hwy 130, then over IN Hwy 130 to Valpariso, then over U.S. Hwy 30 to Delphos, OH then over U.S. Hwy 30 to Mansfield, then over U.S. Hwy 250 to Jefferson, then over U.S. Hwy 30 to Canton, then over U.S. Hwy 62 to Salem, then over OH Hwy 45 to Lisbon, then over U.S. Hwy 30 to East Liverpool, then over OH Hwy 39 to the OH-PA State line, then over PA Hwy 88 to Rochester, PA then over PA Hwy 65 (Formerly PA Hwy 88) to Pittsburgh, then over PA Hwy 837 to McKeesport and return over same route with no transportation for compensation except as otherwise authorized. *Earthenware*. Between Beaver Falls, PA to Chicago, IL serving intermediate and off-route points, restricted to westbound traffic: From Beaver Falls over PA Hwy 18 to Rochester, PA, then to Chicago for compensation except as otherwise authorized. *General Commodities*, with the usual exceptions, Between Pittsburgh, PA serving all intermediate points and all off-route points within 10 miles of Pittsburgh: From Pittsburgh over U.S. Hwy 19 to Washington and return over the same route: Between Canonsburg, PA and Waynesburg, PA serving all intermediate points: From Cannonsburg over unnumbered hwy's via Houston and Meadow Lands to Washington, then over PA Hwy 18 to Waynesburg and return over the same route. Irregular routes: *General Commodities*, with the usual exceptions, From Washington, PA to points in Washington and Green Counties, PA except Allenport, Charleroi, Daisytown, Elco, Elrama, Coal Center, Monongahela, New Eagle, North Charleroi, Roscoe, Speers, Stockdale, and West Brownsville, PA and points on the regular routes described under the commodity description next above, *Returned, refused, rejected, or damaged shipments* of commodities specified immediately above From the destination points immediately above to Washington, PA *General Commodities* except livestock Between Chicago, IL and Chicago Heights, IL and points in IL in the Chicago Commercial Zone as defined by the Commission. *Sewer Pipe, drain tile, flue lining and wall coping* From Toronto, Empire, Stration, Poet, Homer, and Lisbon, OH and points within 1 mile of Lisbon to Chantantqua and Erie Counties, NY, Monroe and Wayne Counties, WV, Allen, Hancock, Henry, Marion and Wayne Counties, IN and Allegheny, Beaver, Crawford, Erie, Lawrence, Mercer and Washington Counties, PA, with no transportation for

compensation on return except as otherwise authorized. *Frozen Foods*, From Darien, WI to points in OH and PA with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized under the commodity description next above are restricted against tacking with any authority granted under above. The operations authorized under the commodity description next above are restricted against the interlining at Darien, WI: Irregular routes: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, restricted against transportation of commodities in bulk, in tank vehicles, and hides, From the facilities of Swift & Company at Grand Island, NE to points in OH, PA, IN, MA and with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized under the commodity description next above are restricted to traffic originating at the plant site of Swift & Company. *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 706, From the facilities of Wilson & Co., Inc., at Monmouth, IL, to points in OH and PA, with no transportation for compensation on return except as otherwise authorized. Restriction: The service authorized under the commodity description next above is subject to the following conditions: The authority granted under the commodity description next above is restricted to Wilson & Co., Inc., at Monmouth, IL. The authority granted under the commodity description next above is restricted against the transportation of commodities, in bulk, in tank vehicles, Any duplication of authority granted herein or to the extent that such authority duplicates any theretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. Application has been filed for temporary authority under Section 11349 of the Act. Hearing Site: Chicago, IL.

MC-F-14090F. Authority sought for the purchase of ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, OH 44309 of the operating rights of West Tennessee Motor Express, Inc. 1221 Faydur Court, P.O. Box 7265, Nashville, TN 37210, and for acquisition

by The Roush Voting Trust, 1077 Gorge Blvd., Akron, OH 44309, of control of such rights through this transaction. Applicants' representatives: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014, and Robert H. Cowan, 500 Court Square Building, 300 James Robertson Parkway, Nashville, TN 37201. Operating rights sought to be purchased: *General commodities*, with the usual exceptions, over regular routes between (1) Nashville, TN and Humboldt, TN, serving Bruceton, TN and all intermediate points between Bruceton and Humboldt, TN; (2) Huntington, TN and South Fulton, TN; (3) South Fulton, TN and Troy, TN; (4) Troy, TN and Tiptonville, TN; (5) Tiptonville, TN and Dyersburg, TN; (6) Dyersburg, TN and Brownsville, TN; (7) Junction TN Hwy 54 and TN Hwy 20 and Bells, TN; (8) Dyersburg, TN and Troy, TN; (9) Dyersburg, TN and Milan, TN; (10) Trenton, TN and Union City, TN; (11) Newbern, TN and Dyer, TN; (12) Milan, TN and Martin, TN; (13) Trenton, TN and Bradford, TN; (14) Greenfield, TN and McKenzie, TN; (15) McKenzie, TN and Atwood, TN; (16) Camden, TN and Buchanan, TN; (17) Paris, TN and Dresden, TN; (18) Paris, TN and McKenzie, TN; (19) Trenton, TN and Alamo, TN; (20) Memphis, TN and Paris Landing, TN serving all points in Carroll and Henry Counties, TN as intermediate or off route points; and (21) Memphis, TN and Big Sandy, TN, serving all intermediate points on routes (2) through (19) above; and, alternate routes for operating convenience only between (22) Nashville, TN and junction U.S. Hwy 70 and TN Hwy 46 for purpose of joinder only; (23) Nashville, TN and Camden, TN, for purpose of joinder only; (24) Nashville, TN and Milan, TN, for purpose of joinder only; (25) Nashville, TN and junction of TN Hwy 20 and TN Hwy 54; and, (26) Humboldt, TN and Bells, TN and, Roadway Express, Inc. is authorized to operate in all states except AK and HI. Application has been filed for temporary authority under section 11349.

MC F-14092F. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, FL 32209. Applicant's Representatives: Roland Rice, Esq., 501 Perpetual Bldg., 1111 E Street, N.W., Washington, DC 20004, and H. Beatty Chadwick, Esq., 1500 Walnut Street, Philadelphia, PA 19102. Authority sought for the purchase by RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, FL 32209, of the operating rights of Shippers Imperial, Inc., 2277 Seventh Street, Oakland, CA 94607, and for acquisition by I.U. Transportation

Services, 1105 N. Market Street, The Wilmington Tower, Wilmington, DE 19801, and in turn, by I.U. International Corp., 1500 Walnut Street, Philadelphia, PA 19102, of control of such rights through the transaction. Operating rights sought to be transferred: (1) *General Commodities* (with the usual exceptions and except livestock and motor vehicles), as a common carrier over regular routes: Between San Francisco Bay Territory, Los Angeles Basin-San Diego Territory, and Sacramento Territory as defined in MC-99127 (Sub-No. 3), restricted against service between points in the San Francisco Bay Territory, on the one hand, and on the other, points in the Sacramento Territory, serving intermediate and off-route points as specified, including authority for alternate routes for operating convenience only, as specified; (2) *General commodities* (except automobiles, trucks or buses; classes A and B explosives, commodities of unusual value, household goods as defined by the Commission, petroleum products in bulk, in tank vehicles, metal cans and parts thereof, and fresh fruit and vegetables when moving in mixed loads with the commodities authorized to be transported herein), over irregular routes: Between those points in that part of California on and within a boundary line beginning at the west boundary of the San Francisco-San Mateo County line at the Pacific Ocean shore line and extending east along the San Francisco-San Mateo County line to junction California Highway 82, then southeasterly along California Highway 82 to junction California Highway 17, at San Jose, CA, then northeasterly along California Highway 17 to junction California Highway 21 at or near Warm Springs, CA, then north along California Highway 21 to the south shoreline of Suisun Bay, then west and south along the continuous shoreline of Suisun Bay, San Pablo Bay, San Francisco Bay and the Pacific Ocean to the point of beginning, including points on the indicated portions of the highways specified; (3) *Bananas*, over irregular routes: From points in the Los Angeles Harbor, CA, Commercial Zone, as defined by the Commission, to points in the Los Angeles, CA, Commercial Zone, as defined by the Commission, and to San Diego, CA, with no transportation for compensation on return except as otherwise authorized; (4) *General Commodities*, with the usual exceptions and except motor vehicles, over regular routes (a) Between Los Angeles, CA and San Ysidro, CA, (b) Between San Diego, CA and Winterhaven, CA, (c) Between

Los Angeles, CA, and Indio, CA, (d) Between Indio, CA, and Calexico, CA, (e) Between junction Interstate Highway 10 and California Highway 111 near White Water, and Calexico, CA, (f) Between Los Angeles, CA, and Beaumont, CA, (g) Between Long Beach, CA, and Riverside, CA, (h) Between San Bernardino, CA, and San Diego, CA, (i) Between Oceanside, CA, and Escondido, CA, (j) Between Los Angeles, CA, and points in the Los Angeles Harbor Commercial Zone, as defined by the Commission, with service to intermediate and off-route points as specified, with restrictions; (5) *General Commodities*, with the usual exceptions and except motor vehicles, serving the United States Navy ammunition Depot at or near Fallbrook, CA, as an off-route point in connection with carrier's presently authorized regular-route operations. Vendee is authorized to operate pursuant to Certificate No. MC-2900 and Subs as a common carrier of general and specified commodities in the states of AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, MA, MD, ME, MI, MO, MS, NC, NH, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VA, WI, WV and DC. Application has been filed for temporary authority under Section 210a(b). (Hearing site: Los Angeles, CA and Atlanta, GA.)

MC F-14094F. Authority sought to purchase by Don Paffile d.b.a. Paffile Truck Lines, an individual, 4119 South Geiger Boulevard, Spokane, Washington 99204, certain operating rights of Mitchell Bros. Truck Lines, 3841 North Columbia Boulevard, Portland, Oregon 97217. Transferor's Attorney: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. Transferee's Attorney: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. Operating rights to be purchased: General Commodities, except those of unusual value, Class A & B explosives, household goods as defined by the Commission, commodities requiring special equipment and those injurious or contaminating to other lading, between points in Jackson County, Oregon, on the one hand, and, on the other, points including Hills, California and that part of Siskiyou County, California on and West of U.S. Highway 99. Vendee holds authority under MC-117304 (Sub 8 and Sub 19 and other subs) to transport heavy machinery, mining equipment, mining supplies, miners not including coal, such commodities as are dealt in by wholesale and retail grocery stores, such commodities as are dealt in by wholesale and retail hardware stores, and contractors equipment, material and supplies between points in Idaho,

Washington, Oregon and that part of Montana west of a line extending in a northerly direction from Monida Pass, Montana to the United States/Canada boundary line near Babb, Montana. Also hides, pelts and tallow from Wallace, Idaho to Spokane, Washington with no transportation and compensation on return. Applicant also holds authority to transport wine and beer from certain points in California to certain points in Idaho. Application has been filed to tack and join the authority of vendee with that of vendor at the common point of Jackson County, Oregon and any points therein. There is also a companion gateway elimination application concurrently filed with this finance application seeking to eliminate the gateway of Jackson County in connection with operations from Idaho and Montana to Siskiyou County, California. Application has been filed for temporary authority under Section 210a(b).

MC F-14096F. Transferee: GARRETT BROS., INC., 13900 South Meridian, Oklahoma City, OK 73144. Transferor: J & M Trucking, Inc., P.O. Box 583, Mills, WY 82645. Representative: G. Timothy Armstrong, 200 North Choctaw, P.O. Box 24, El Reno, OK 73036. Authority sought for purchase by transferee of a portion of the operating rights of transferor set forth in Certificate No. MC 128674 (Sub No. 1), issued effective March 4, 1971, as follows: *machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; (1) between points in KS, OK, NE and WY; and, (2) between points in KS and OK, on the one hand, and, on the other, points in CO and UT. Restriction: The operations authorized under the commodity description above shall be restricted against any through service to or from points in WY, by tacking the operating rights next above separately stated. Transferee holds authority from this Commission under Docket No. MC 74346. Application has been filed for temporary authority under 49 U.S.C. § 11349.

MC F-14098F. Authority sought for purchase by Polar Express, Inc., Ark. Highway 68 West, P.O. Box 845, Springdale, Arkansas 72764, of a portion of the operating rights of Cox

Refrigerated Express, Inc., 10606 Goodnight Lane, Dallas, Texas 75245, and for acquisition by William L. Ferguson, P.O. Box 845, Springdale, AR 72764, of control of such rights through the purchase. Transferee's Attorney: Charles M. Williams, Kimball, Williams & Wolfe, P.C., 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203, (303) 839-5856. Transferor's Attorney: D. Paul Stafford, P.O. Box 45538, Dallas, Texas 75245. Operating rights sought to be transferred is authority in Transferor's MC-140033 (Sub-No. 60) F, authorizing operations as a common carrier by motor vehicle over irregular routes transporting: Confectionery and cough drops from the facilities of Ludens, Inc., at or near Reading, PA, to points in AL, AR, LA, MS, OK, TN, and TX. Polar Express, Inc. operates as a common carrier in MC-134467 and Subs thereto and is controlled by William L. Ferguson who also controls Interstate Transport, Inc., which operates as a common carrier in MC-134064 and Subs thereto. They, collectively, have authority to operate in all points in the United States (except AK and HI). An application for temporary authority under 49 U.S.C. § 11349 (formerly Section 210a(b)) has been filed. (Hearing site: Dallas, TX.)

No. MC-F-14099F. Authority sought for purchase by ARLEDGE TRANSFER, INCORPORATED, Box 157, Burlington, IA 52601, of a portion of the operating rights of WESTERN TRANSPORTATION COMPANY, 1300 West 35th Street, Chicago, IL 60609, and for acquisition of control of such rights by Arnold G. Arledge, 1100 West Arnold Drive, W. Burlington, IA 52655, through such purchase. Applicant's Attorney: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Operating rights sought to be transferred are as a common carrier, over regular routes, as follows: *General Commodities*, with the usual exceptions, between Cedar Rapids, IA and Waterloo, IA, from Cedar Rapids over U.S. Hwy 150 to Independence, IA, then to Waterloo and return over the same route, serving all intermediate points. Application has been filed for temporary authority under Section 210a(b).

Note.—Arledge Transfer, Incorporated proposes to tack the authority sought to be acquired with its existing authority.

Caption Summary

MC-F-14100F. Authority sought for purchase by LA SALLE TRUCKING, INC., P.O. Box 48, Peru, IL 61354 to purchase a portion of the operating rights of WESTERN TRANSPORTATION COMPANY, 1300

West 35th Street, Chicago IL 60609, and for acquisition of control of such rights by Jack E. Boehm, Jr., P.O. Box 46, Peru, IL 61354, through the purchase. Applicant's attorney: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Operating rights sought to be transferred are as a common carrier, over regular routes, as follows: *General Commodities*, with the usual exceptions, between Batavia, IL and Chicago, IL. From Batavia, IL over unnumbered highway to junction alternate U.S. 30, then over alternate U.S. 30 to Chicago, and return over the same route. Application has been filed for temporary authority under Section 210a(b).

MC-F-14101F. Authority sought for purchase by GEORGIA HIGHWAY EXPRESS, INC. 2090 Jonesboro Road, S.E., Atlanta, Georgia 30315 of a portion of the operating rights of WESTERN TRANSPORTATION CO., 1300 W. 35th Street, Chicago, Illinois 60609. Applicant's representative: Fritz R. Kahn, 1660 L Street, N.W., Suite 1000, Washington, DC 20036. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of general commodities with the usual exceptions as a common carrier over irregular routes. 1. Between points and places in the Chicago, IL Commercial Zone, as defined by the Commission in 1 M.C.C. 673. 2. Between points in Cook, Lake, DuPage, Kane and Will Counties, IL and Coal City, IL. Vendee is authorized to operate as a common carrier over regular routes under Certificate No. MC-58923 (Sub-39) between Chicago, IL and Waukegan, Libertyville and Barrington, IL. An application for temporary authority under 49 USC Sec. 11349 has been filed. (Hearing site: Chicago, IL or Washington, DC).

Motor carrier Intrastate Applications(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or

filed with the Interstate Commerce Commission.

Montana Docket No. T-4530, filed July 2, 1979. Applicant: MOLERWAY FREIGHT LINES, INC., 2707 Beartooth Drive, Billings, MT 59102. Representative: JOHN L. MOHR, 111 West Main, P.O. Box 217, Laurel, MT 59044. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities*, except those of unusual value, dangerous explosives, commodities in bulk and those injurious or contaminating to other lading from and to or between the following points or areas: Serving all points and places along US Hwy No. 90 between Bozeman, MT, and Miles City, MT, excluding Laurel, MT; all points and places along US Hwy No. 89 between the junction of US Hwy No. 89 and US Hwy No. 90 and the junction of US Hwy No. 89 and US Hwy No. 12; all points and places along US Hwy No. 12 between the junction US Hwy No. 89 and US Hwy No. 12 and Roundup, MT; all places and points along US Hwy No. 191 between Big Timber, MT, and Moore, MT; all points and places along US Hwy No. 87 between Moore, MT and Roundup, MT; all points and places along Hwy No. 3 between Lavina, MT and Billings, MT; and all points and places along US Hwy No. 90 between Billings, MT, and Hardin, MT, and serving Colstrip, MT, over Road No. 384, and State Hwy No. 39. Intrastate, interstate, and foreign commerce authority sought. HEARING: date, time and place not yet fixed. Requests for procedural information should be addressed to Montana Public Service Commission, 1227 11th Avenue, Helena, MT 59601, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-2989, filed July 24, 1979. Applicant: McDONALD'S EXPRESS LINE INC., Trenton, NY. Representative: MURRAY J. S. KIRSHTEN, ESQ., 118 Bleecker Street, Utica, NY 13501. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities*, between all points in the Counties of Herkimer and Oneida. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to S. G. Duckor, Department of Transportation, 1220 Washington Ave., State Campus Building #4, Room G-21, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

Irregular-Route Motor Common Carriers of Property—Elimination of Gateway Letter Notices

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 10, 1979. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a *common carrier*, by motor vehicles, over irregular routes.

MC 4405 (Sub-E-22) (correction), filed June 4, 1974, published in the *Federal Register*, issue of October 28, 1975, and republished, as corrected, this issue. Applicant: Dealers Transit, Inc., 522 South Boston Avenue, Tulsa, OK 74103. Applicant's representative: Roger D. Smith (same as above). *Commodities* which because of size or weight require the use of special equipment, and *self-propelled articles* each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection therewith, between points in New Mexico, on the one hand, and, on the other, points in CA (except between points in New Mexico north and west of U.S. Hwy 54, on the one hand, and, on the other, points in California south of the northern boundaries of Mono, Tuolumne, Stanislaus, Santa Clara, and Santa Cruz Counties). (Gateways eliminated: points in California and New Mexico.) Purpose of republication: clarify restriction.

MC 22254 (Sub-E2), filed May 14, 1974. Applicant: TRANS-AMERICAN VAN SERVICE, INC., P.O. Box 12608, Ft. Worth, TX 76116. Representative: Elliott Beence, Suite 618, Perpetual Building, Washington, DC 20004. *Pianos*, uncrated, (A) between points in Connecticut, Idaho, Maine, Massachusetts, Michigan, New Hampshire, New York, North Dakota,

Oregon, Rhode Island, Vermont, Washington, Wisconsin, and points, in New Jersey on and north of a line beginning at the Atlantic Ocean extending along New Jersey Hwy 33 to junction New Jersey Hwy 571, then along New Jersey Hwy 571 to junction U.S. Hwy 206, then along U.S. Hwy 206 to junction New Jersey Hwy 546, then along New Jersey Hwy 546 to Washingtons Crossing, then along New Jersey Hwy 29 to the New Jersey-Pennsylvania State line; points in Pennsylvania on and north of a line beginning at the Pennsylvania-New Jersey State line extending along U.S. Hwy 202 to junction Pennsylvania Turnpike, then along Pennsylvania Turnpike to junction U.S. Hwy 322, then along U.S. Hwy 322 through Harrisburg to Lewistown, then along U.S. Hwy 22 to junction Pennsylvania Turnpike, then along the Pennsylvania Turnpike to the Ohio-Pennsylvania State line extending along Ohio Hwy 170 to junction U.S. Hwy 30, then along U.S. Hwy 30 to junction U.S. Hwy 224, then along U.S. Hwy 224 to the Ohio-Indiana State line; points in Indiana on and north of a line beginning at the Ohio-Indiana State line extending along U.S. Hwy 224 to junction U.S. Hwy 24, then along U.S. Hwy 24 to the Indiana-Illinois State line; points in Illinois on and north of a line beginning at the Indiana-Illinois State line extending along U.S. Hwy 24 to junction Illinois Hwy 88, then along Illinois Hwy 88 to junction Interstate Hwy 80 to the Illinois-Iowa State line; points in Iowa on and north of a line beginning at the Iowa-Illinois State line extending along Interstate Hwy 80 to junction Iowa Hwy 38, then along Iowa Hwy 38 to junction U.S. Hwy 30, then along U.S. Hwy 30 to junction Iowa Hwy 21, then along Iowa Hwy 21 to Waterloo, then along U.S. Hwy 20 to Fort Dodge, then along U.S. Hwy 169 to junction Iowa Hwy 9, then along Iowa Hwy 9 to junction U.S. Hwy 59, then along U.S. Hwy 59 to the Iowa-Minnesota State line; points in Minnesota on and east of a line beginning at the Iowa-Minnesota State line extending along U.S. Hwy 59 to junction U.S. Hwy 14, then along U.S. Hwy 14 to the Minnesota-South Dakota State line; points in South Dakota on and north of a line beginning at the South Dakota-Minnesota State line extending along U.S. Hwy 14 to junction South Dakota Hwy 34, then along South Dakota Hwy 34 to junction South Dakota Hwy 47, then along South Dakota Hwy to Chamberlain, then along U.S. Hwy 16 to junction South Dakota Hwy 73, then along South Dakota Hwy 73 to junction U.S. Hwy 18, then along U.S. Hwy 18 to the South Dakota-Wyoming State line;

points in Wyoming and north of a line beginning at the Wyoming-South Dakota State line extending along U.S. Hwy 18 to Douglas, then along U.S. Hwy 20 to Casper, then along Wyoming Hwy 220 to Raevlins, then along Interstate Hwy 80 to the Wyoming-Utah State line; points in Utah on and north of a line beginning at the Utah-Nevada State line extending along Interstate Hwy 80 to Ogden, then along U.S. Hwy 89 to Salt Lake City, then along Interstate Hwy to the Utah-Nevada State line; points in Nevada on and north of a line beginning at the Utah-Nevada State line; extending along U.S. Hwy Alternate 50 to junction U.S. Hwy 6, then along U.S. Hwy 6 to the Nevada-California State line; points in California on and north of a line beginning at the California-Nevada State line extending along U.S. Hwy 6 to junction California Hwy 120, then along California Hwy 120 to Manteca, then along California Hwy 99 to Lodi, then along California Hwy 12 to junction California Hwy 160, then along California Hwy 160 to Pittsburg, then along California Hwy 24 to Oakland, then along U.S. Hwy 40 to San Francisco, *on the one hand, and, on the other*, points in California on and south of a line beginning at the Pacific Ocean extending California Hwy 1 to junction California Hwy 37, then along California Hwy 37 to junction Interstate Hwy 80, then along Interstate Hwy 80 to junction California Hwy 16, then along California Hwy 16 to junction California Hwy 49, then along California Hwy 49 to junction California Hwy 120, then along U.S. Hwy 6 to the California-Nevada State line; points in Nevada on and south of a line beginning at the California-Nevada State line extending along U.S. Hwy 6 to junction Nevada Hwy 25, then along Nevada Hwy 25 to the Nevada, Utah State line; points in Arizona on and south of a line beginning at the Arizona-Utah State line extending along Arizona Hwy 389 to junction U.S. Hwy Alternate 89, then along U.S. Hwy Alternate 89 to junction U.S. Hwy 89, then along U.S. Hwy 89 to junction U.S. Hwy 10, then along U.S. Hwy 160 to Teec Nos Pos, then along Arizona Hwy 504 to the Arizona-New Mexico State line; points in New Mexico on and south of a line beginning at the Arizona-New Mexico State line extending along New Mexico Hwy 504 to junction U.S. Hwy 550, then along U.S. Hwy 550 to Farmington, then along New Mexico Hwy 17 to junction U.S. Hwy 84, then along U.S. Hwy 84 to junction New Mexico Hwy 110, then along New Mexico Hwy 110 to junction New Mexico Hwy 111, then along New Mexico Hwy 111 to Taos, then along U.S. Hwy 84 to the Texas-New Mexico State

line extending along U.S. Hwy 87 to Hartley, then along Texas Hwy 152 to the Texas Oklahoma State line; points in Oklahoma on and south of a line beginning at the Oklahoma-Texas State line extending along Oklahoma Hwy 6 to junction Interstate Hwy 40, then along Interstate Hwy 40 to junction U.S. Hwy 59 to the Oklahoma-Arizona State line; points in Arizona on and south of a line beginning at the Oklahoma-Arizona State line extending along Arizona Hwy 16 to Shirley, then along Arizona Hwy 9 to Brockwell, then along Arizona Hwy 56 to Ash Flat, then along U.S. Hwy 62 to the Arizona-Missouri State line; points in Tennessee on and south of a line beginning at the Missouri-Tennessee State line extending along Tennessee Hwy 20 to junction U.S. Hwy 43, then along U.S. Hwy 43 to Lawrenceburg, then along U.S. Hwy 64 to junction Interstate Hwy 65, then along Interstate Hwy 65 to the Tennessee-Alabama State line; points in Alabama on and south of a line beginning at the Alabama-Tennessee State line extending along U.S. Hwy 231 to Gadsden, then along U.S. Hwy 431 to Lafayette, then along Alabama Hwy 50 to the Alabama-Georgia State line; points in Georgia on and south of a line beginning at the Alabama-Georgia State line extending along Georgia Hwy 18 to junction U.S. Hwy 23, then along U.S. Hwy 23 to junction Interstate Hwy 280, then along U.S. Hwy 280 to junction U.S. Hwy 80, then along U.S. Hwy 80 to the Atlantic Ocean; and points in California, Mississippi, and Florida. (Gateway eliminated: Chicago, Illinois or Memphis, TN.) (B) between points in California on and south of a line beginning at Bolinas extending along California Hwy 1 to junction U.S. Hwy 101, then along U.S. Hwy 101 to junction California Hwy 37, then along California Hwy 37 to Vallejo, then along Interstate Hwy 80 to Sacramento, then along California Hwy 16 to junction California Hwy 49, then along California Hwy 49 to junction California Hwy 120, then along California Hwy 120 to Benton Station, then along U.S. Hwy 6 to the California-Nevada State line; points in Nevada on and south of a line beginning at the California-Nevada State line extending along U.S. Hwy 6 to Tonopah, then along Nevada Hwy 25 to Panaca, then along Nevada Hwy 25-56 to the Nevada-Utah State line; points in Arizona on and south of a line beginning at the Arizona-Utah State line extending along Arizona Hwy 389 to Fredonia, then along U.S. Hwy Alt 89 to junction U.S. Hwy 89, then along U.S. Hwy 89 to junction U.S. Hwy 160, then along U.S. Hwy 160 to Teec Nos Pos, then along

Arizona Hwy 504 to the Arizona-New Mexico State line; points in New Mexico on and south of a line beginning at the Arizona-New Mexico State line extending along New Mexico Hwy 504 to junction U.S. Hwy 550, then along U.S. Hwy 550 to Farmington, then along New Mexico Hwy 17 to junction U.S. Hwy 84, then along U.S. Hwy 84 to junction New Mexico Hwy 111, then along New Mexico Hwy 111 to Taos, then along U.S. Hwy 84 to the New Mexico-Texas State line; points in Texas on and south of a line beginning at the Texas-New Mexico State line extending along U.S. Hwy 87 to Hartley, then along Texas Hwy 152 to the Texas-Oklahoma State line; points in Oklahoma on and south of a line beginning at the Oklahoma-Texas State line extending along Interstate Hwy 40 to junction U.S. Hwy 59, then along U.S. Hwy 59 to the Oklahoma-Arizona State line; points in Arizona on and south of a line beginning at the Arizona-Oklahoma State line extending along Arizona Hwy 16 to Shirley, then along Arizona Hwy 9 to Brockwell, then along Arizona Hwy 56 to Ash Flat, then along U.S. Hwy 62 to the Arizona-Missouri State line; points in Tennessee on and south of a line beginning at the Missouri-Tennessee State line extending along Tennessee Hwy 20 to junction of U.S. Hwy 43, then along U.S. Hwy 43 to Lawrenceburg, then along U.S. Hwy 64 to junction Interstate Hwy 65, then along Interstate Hwy 65 to the Tennessee-Alabama State line; points in Alabama on and south of a line beginning at the Alabama-Tennessee State line extending along Alabama Hwy 53 to Huntsville, then along U.S. Hwy 231 to junction U.S. Hwy 278, then along U.S. Hwy 278 to Gadsden, then along U.S. Hwy 431 to Lafayette, then along Alabama Hwy 50 to the Alabama-Georgia State line; points in Georgia on and south of a line beginning at the Georgia-Alabama State line extending along Georgia Hwy 18 to junction U.S. Hwy 23, then along U.S. Hwy 23 to Macon, then along Interstate Hwy 75 to Cordele, then along U.S. Hwy 280 to junction U.S. Hwy 80, then along U.S. Hwy 80 to Savannah Beach, points in California, Mississippi, and Florida, *on the one hand, and, on the other*, points in California, Idaho, Nevada, Oregon, and Washington. (Gateways Eliminated: Logan, UT and Memphis, TN); and (C) between points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, District of Columbia, Delaware, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama,

Mississippi, points in California on and south of a line beginning at the Logansport extending along U.S. Hwy 84 to junction U.S. Hwy 71, then along U.S. Hwy 71 to Shreveport, then along U.S. Hwy 79 to the California-Arizona State line; points in Arizona beginning at the California-Arizona State line extending along U.S. Hwy 79 to junction Arizona Hwy 19, then along Arizona Hwy 19 to junction U.S. Hwy 67, then along U.S. Hwy 67 to junction Arizona Hwy 7, then along Arizona Hwy 7 to Harrison, then along U.S. Hwy 62 to junction U.S. Hwy 63, then along U.S. Hwy 63 to the Arizona-Missouri State line; points in Indiana on and south of a line beginning at the Illinois-Indiana State line extending along Indiana Hwy 64 to junction Indiana Hwy 135, then along Indiana Hwy 135 to junction U.S. Hwy 50, then along U.S. Hwy 50 to the Indiana-Ohio State line, points in Ohio on and south of a line beginning at the Indiana-Ohio State line extending along Ohio Hwy 129 to Hamilton, then along Ohio Hwy 4 to Middletown, then along Ohio Hwy 73 to junction U.S. Hwy 22, then along U.S. Hwy 22 to Washington Court House, then along U.S. Hwy 62 to Columbus, then along U.S. Hwy 40 to Cambridge, then along U.S. Hwy 22 to the Ohio-West Virginia State line; points in West Virginia on the south of U.S. Hwy 22; points in Pennsylvania on and south of a line beginning at the West Virginia-Pennsylvania State line extending along U.S. Hwy 22 to junction U.S. Hwy 219, then along U.S. Hwy 219 to junction Interstate Hwy 80, then along Interstate Hwy 80 to junction U.S. Hwy 220, then along U.S. Hwy 220 to the Pennsylvania-New York State line; points in New York on and east of a line beginning at the Pennsylvania-New York State line extending along New York Hwy 13 to Chittenango, then along New York Hwy 5 to junction New York Hwy 10, then along New York Hwy 10 to junction New York Hwy 8, then along New York Hwy 8, to junction New York Hwy 30, then along New York Hwy 30 to Tupper Lake, then along New York Hwy 3 to junction New York Hwy 38, then along New York Hwy 38 to the United States-Canada International Boundary line, on the one hand, and, on the other, points in California on and north of a line beginning at Santa Barbara extending along U.S. Hwy 101 to Ventura, then along California Hwy 33 to junction California Hwy 119, then along California Hwy 119 to junction California 99, then along California 99 to junction California Hwy 63, then along California Hwy 63 to junction California Hwy 180, then along California Hwy 180 to junction U.S. Hwy 395, then along

U.S. Hwy 395 to Olancha, then along California Hwy 190 to Amargosa, then along California Hwy 127 to the California-Nevada State line; points in Nevada on and north of a line extending along Nevada Hwy 29 to junction U.S. Hwy 95 to Las Vegas, then along U.S. Hwy 95 to Las Vegas, then along U.S. Hwy 91 to the Nevada-Arizona State line; points in Utah on and north of a line beginning at the Arizona-Utah State line extending along U.S. Hwy 91 to junction Utah Hwy 15, then along Utah Hwy 15 to junction U.S. Hwy 89, then along U.S. Hwy 89 to junction Interstate Hwy 70, then along Interstate Hwy 70 to junction U.S. Hwy 6-50, then along U.S. Hwy 6-50 to junction Utah Hwy 53, then along Utah Hwy 40 to Vernal, then along Utah Hwy 44 to the Utah-Wyoming State line; points in Montana on and west of a line beginning at the Wyoming-Montana State line extending along U.S. Hwy 212 to junction U.S. Hwy 10, then along U.S. Hwy 10 to junction Hwy 191, then along U.S. Hwy 191 to Lewistown, then along Montana Hwy 236 to junction U.S. Hwy 87, then along U.S. Hwy 87 to Havre, then along Montana Hwy 233 to the United States-Canada International Boundary line; and points in Idaho, Oregon, and Washington. (Gateways eliminated: Logan, UT, and Memphis, TN.)

MC 107012 (Sub-E684), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures and Store and Office Equipment, Uncrated* (1) From points in DC, to points in AZ, AR, CA, CO, ID, NV, NM, OK, OR, TX, UT, and WA. (2) From points in District of Columbia to points in Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, Woodson, Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumner and Washington Counties, KS; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle,

Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington and Yazoo Counties, MS; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; Park, Teton Yellowstone National Park, Lincoln, Sublette, Sweetwater and Uinta Counties, WY. (Gateway eliminated: Greene County, AR)

MC 107012 (Sub-E685), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures and Store and Office Equipment, Crated*, (1) From points in DC, to points in AZ, AR, CA, CO, ID, NV, NM, OK, OR, TX, UT, and WA; (2) From points in District of Columbia to points in Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, Woodson, Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumner and Washington Counties, KS; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermilion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union,

West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington and Yazoo Counties, MS; Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon and Webster Counties, MO; Chester, Crockett, Dyer, Fayette, Gibson, Hardman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; Park, Teton Yellowstone National Park, Lincoln, Sublette, Sweetwater and Uinta Counties, WY. (Gateway eliminated: Greene County, AR.)

MC 107012 (Sub-E886), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same address as above). *Commercial and Institutional Fixtures and Store and Office Equipment, Crated*, (1) From points in CA, to points in AL, CT, DE, DC, FL, GA, KY, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA and WV; (2) From points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou and Yuba Counties, CA, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; Bond, Calhoun, Christian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, Saint Clair, Sangamon, Scott, Shelby, Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White, Williamson, Champaign, Clark, Coles, Crawford, Cumberland, DeWitt, Douglas, Edgar, Ford, Grundy, Iriquois, Jasper, Kankakee, Lawrence, Livingston, Macon, McLean, Moultrie, Piatt, Richland, Vermilion and Wabash Counties, IL; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vangerburgh, Vermillion, Vigo, Warrick, Boone, Clinton, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, Shelby and Tipton Counties, IN;

Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA; points in MS; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Miami, Montgomery, Preble, Shelby, Warren, Ashland, Ashtabula, Carroll, Columbiana, Cuyahoga, Erie, Geauga, Harrison, Holmes, Huron, Jefferson, Lake, Lorain, Mahoning, Medina, Portage, Stark, Summit, Trumbull, Tuscarawas, Wayne, Coshocton, Crawford, Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Logan, Madison, Marion, Morrow, Pickaway, Richland, Union, Athens, Belmont, Gallia, Guernsey, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Muckungum, Noble, Perry, Pike, Ross, Scioto, Vinton and Washington Counties, OH; (3) From points in Inyo, Fresno, Kings and Tulare Counties, CA, to points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; Bond, Calhoun, Christian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, Saint Clair, Sangamon, Scott, Shelby, Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White, Williamson, Champaign, Clark, Coles, Crawford, Cumberland, DeWitt, Douglas, Edgar, Ford, Grundy, Iriquois, Jasper, Kankakee, Lawrence, Livingston, Macon, McLean, Moultrie, Piatt, Richland, Vermilion and Wabash Counties, IL; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vangerburgh, Vermillion, Vigo, Warrick,

Adams, Allen, Blackford, DeKalb, Delaware, Elkhart, Grant, Huntingdon, Jay, Kosciusko, Lagrange, Noble, Randolph, Steuben, Wabash, Wells, Whitley, Boone, Clinton, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, Shelby and Tipton Counties, IN; Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA; Bay, Clinton, Genesee, Gratiot, Hillsdale, Huron, Ingham, Jackson, Lapeer, Lenawee, Livingston, Macomb, Midland, Monroe, Oakland, Saginaw, Saint Clair, Sanilac, Shiawassee, Tuscola, Washtenaw and Wayne Counties, MI; points in MS; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; points in OH; (4) From points in Glenn, Humboldt, Lake, Mendocino, Tehama and Trinity Counties, CA, to points in AR; Bond, Calhoun, Christian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, Saint Clair, Sangamon, Scott, Shelby, Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White, Williamson, Champaign, Clark, Coles, Crawford, Cumberland, DeWitt, Douglas, Edgar, Ford, Grundy, Iriquois, Jasper, Kankakee, Lawrence, Livingston, Macon, McLean, Moultrie, Piatt, Richland, Vermilion and Wabash Counties, IL; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vangerburgh, Vermillion, Vigo, Warrick, Adams, Allen, Blackford, DeKalb, Delaware, Elkhart, Grant, Huntingdon, Jay, Kosciusko, Lagrange, Noble, Randolph, Steuben, Wabash, Wells, Whitley, Boone, Clinton, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, Shelby and Tipton Counties, IN; points in LA; Bay, Clinton, Genesee, Gratiot, Hillsdale, Huron, Ingham, Jackson, Lapeer, Lenawee,

Livingston, Macomb, Midland, Monroe, Oakland, Saginaw, Saint Clair, Sanilac, Shiawassee, Tuscola, Washtenaw and Wayne Counties, MI; points in MS; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard, Wayne, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Jefferson, Lincoln, Maries, Miller, Moniteau, Montgomery, Osage, Phelps, Pulaski, Saint Charles, Saint Louis, St. Louis City, Warren and Washington Counties, MO; points in OH; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX; (5) From points in Kern, Los Angeles, Orange, San Luis Obispo, Santa Barbara and Ventura Counties, CA, to points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; points in IL; points in IN; Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA; Bay, Clinton, Genesee, Gratiot, Hillsdale, Huron, Ingham, Jackson, Lapeer, Lenawee, Livingston, Macomb, Midland, Monroe, Oakland, Saginaw, Saint Clair, Sanilac, Shiawassee, Tuscola, Washtenaw, Wayne, Alcona, Alpena, Antrim, Arenac, Benzie, Charlevoix, Cheboygan, Clare, Crawford, Emmet, Gladwin, Grand Trause, Iosco, Isabella, Kalkaska, Lake, Leelanau, Manistee, Mason, Mecosta, Missaukee, Montmorency, Newaygo, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Presque Isle, Roscommon, Wexford, Alger, Delta, Dickinson, Marquette, Menominee, Schoolcraft, Allegan, Barry, Berrien, Branch, Calhoun, Cass, Eaton, Ionia, Kalamazoo, Kent, Montcalm, Muskegon, Ottawa, Saint Joseph, Van Buren, Chippewa, Luce and Mackinac Counties, MI; points in MS; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard, Wayne, Adair, Audrain, Clarke, Knox, Lewis, Linn, Macon, Marion, Monroe, Pike, Putnam,

Ralls, Randolph, Schuyler, Scotland, Shelby, Sullivan, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Jefferson, Lincoln, Maries, Miller, Moniteau, Montgomery, Osage, Phelps, Pulaski, Saint Charles, Saint Louis, St. Louis City, Warren and Washington Counties, MO; points in OH; Columbia, Dane, Dodge, Green, Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Rock Walworth, Washington, Waukesha, Door, Florence, Forest, Kewaunee, Langlade, Lincoln, Marinette, Menominee, Oconto, Oneida, Buffalo, Crawford, Grant, Iowa, Jackson, Juneau, LaCrosse, Lafayette, Monroe, Richland, Saulk, Trempealeau, Vernon, Adams, Brown, Calumet, Clark, Fond Du Lac, Green Lake, Manitowoc, Marathon, Marquette, Outagamie, Portage, Shawano, Sheboygan, Waupaca, Waushara, Winnebago and Wood Counties, WI; (6) From points in San Bernardino County, CA, to points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; points in IL; points in IN; points in MI; points in MS; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; points in OH; Columbia, Dane, Dodge, Green, Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Rock, Walworth, Washington, Waukesha, Door, Florence, Forest, Kewaunee, Langlade, Lincoln, Marinette, Menominee, Oconto, Oneida, Buffalo, Crawford, Grant, Iowa, Jackson, Juneau, LaCrosse, Lafayette, Monroe, Richland, Saulk, Trempealeau, Vernon, Adams, Brown, Calumet, Clark, Fond Du Lac, Green Lake, Manitowoc, Marathon, Marquette, Outagamie, Portage, Shawano, Sheboygan, Waupaca, Waushara, Winnebago and Wood Counties, WI; (7) From points in Imperial, Riverside and San Diego Counties, CA, to points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; points in IL; points in IN; Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA; points in MI; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington,

Yazoo, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Attala, Clairborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster and Yalobusha Counties, MS; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard, Wayne, Adair, Audrain, Clarke, Knox, Lewis, Linn, Macon, Marion, Monroe, Pike, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby, Sullivan, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Jefferson, Lincoln, Maries, Miller, Moniteau, Montgomery, Osage, Phelps, Pulaski, Saint Charles, Saint Louis, St. Louis City, Warren and Washington Counties, MO; points in OH; Columbia, Dane, Dodge, Green, Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Rock, Walworth, Washington, Waukesha, Door, Florence, Forest, Kewaunee, Langlade, Lincoln, Marinette, Menominee, Oconto, Oneida, Buffalo, Crawford, Grant, Iowa, Jackson, Juneau, LaCrosse, Lafayette, Monroe, Richland, Saulk, Trempealeau, Vernon, Adams, Brown, Calumet, Clark, Fond Du Lac, Green Lake, Manitowoc, Marathon, Marquette, Outagamie, Portage, Shawano, Sheboygan, Waupaca, Waushara, Winnebago and Wood Counties, WI; (8) From points in Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne and Yolo Counties, CA, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; Bond, Calhoun, Christian, Clinton, Effingham, Fayette, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Morgan, Pike, Saint Clair, Sangamon, Scott, Shelby, Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline,

Union, Washington, Wayne, White, Williamson, Champaign, Clark, Coles, Crawford, Cumberland, DeWitt, Douglas, Edgar, Ford, Grundy, Iriquois, Jasper, Kankakee, Lawrence, Livingston, Macon, McLean, Moultrie, Piatt, Richland, Vermilion and Wabash Counties, IL; points in IN; Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA; Bay, Clinton, Genesee, Gratiot, Hillsdale, Huron, Ingham, Jackson, Lapeer, Lenawee, Livingston, Macomb, Midland, Monroe, Oakland, Saginaw, Saint Clair, Sanilac, Shiawassee, Tuscola, Washtenaw, Wayne, Allegan, Barry, Berrien, Branch, Calhoun, Cass, Eaton, Ionia, Kalamazoo, Kent, Montcalm, Muskegon, Ottawa, Saint Joseph and Van Buren Counties, MI; points in MS; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard, Wayne, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Jefferson, Lincoln, Maries, Miller, Moniteau, Montgomery, Osage, Phelps, Pulaski, Saint Charles, Saint Louis, St. Louis City, Warren and Washington Counties, MO; points in OH. (Gateway eliminated: Greene County, AR.)

MC 107012 (Sub-E687), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures and Store and Office Equipment, Uncrated*, (1) From points in CO, to points in AL, FL, GA, MS, NC, RI, SC, and TN., (2) From points in Garfield, Mesa, Moffat, Rio Blanco and Routt Counties, CO, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; points in CT; points in DE; points in DC; Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion,

Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White and Williamson Counties, IL; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vanderburgh, Vermillion, Vigo and Warrick Counties, IN; points in KY; Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA; points in ME; points in MD; points in MA; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; points in NH; points in NJ; Albany, Bronx, Columbia, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Sullivan, Ulster, Westchester, Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren, Washington and Suffolk Counties, NY; Athens, Belmont, Gallia, Guernsey, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Vinton and Washington Counties, OH; Adams, Bedford, Blair, Cambria, Centre, Clearfield, Clinton, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Tioga, Union, Berks, Bucks, Chester, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Philadelphia, Schuylkill, York, Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Wyoming, Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA; points in VT; points in VA; points in WV. (3) From points in Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit and Teller Counties, CO, to points in Ashley,

Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; points in CT; points in DE; points in DC; Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White and Williamson Counties, IL; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vanderburgh, Vermillion, Vigo and Warrick Counties, IN; points in KY; Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA; points in ME; points in MD; points in MA; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; points in NH; points in NJ; Albany, Bronx, Columbia, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Sullivan, Ulster, Westchester, Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren, Washington and Suffolk Counties, NY; Athens, Belmont, Gallia, Guernsey, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Vinton and Washington Counties, OH; Adams, Bedford, Blair, Cambria, Centre, Clearfield, Clinton, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Tioga, Union, Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Wyoming, Berks, Bucks, Chester, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Philadelphia, Schuylkill and York

Counties, PA; points in VT; points in VA; Greenbrier, McDowell, Mercer, Monroe, Pocahontas, Raleigh, Summers, Wyoming, Braxton, Clay, Fayette, Kanawha, Nicholas, Webster, Barbour, Berkeley, Doddridge, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Tyler, Upshur, Wetzel, Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Boone, Cabell, Lincoln, Logan, Mingo, Putnam and Wayne Counties, WV; (4) From points in Alamosa, Arculeta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Ouray, Rio Grande, Saguache, San Juan and San Miguel Counties, CO, to points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; points in CT; points in DE; points in DC; Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White, Williamson, Champaign, Clark, Coles, Crawford, Cumberland, Dewitt, Douglas, Edgar, Ford, Grundy, Iriquois, Jasper, Kankakee, Lawrence, Livingston, Macon, McLean, Moultrie, Piatt, Richland, Vermilion and Wabash, Counties, IL; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vanderburgh, Vermillion, Vigo, Warrick, Adams, Allen, Blackford, DeKalb, Delaware, Elkhart, Grant, Huntington, Jay, Kosciusko, Lagrange, Noble, Randolph, Steuben, Wabash, Wells, Whitley, Boone, Clinton, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, Shelby and Tipton Counties, IN; points in KY; Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA; points in ME; points in MD; points in MA; Bay, Clinton, Genesee, Gratiot, Hillsdale, Huron, Ingham, Jackson, Lapeer, Lenawee, Livingston, Macomb, Midland, Monroe, Oakland, Saginaw, Saint Clair, Sanilac, Shiawassee, Tuscola, Washtenaw, Wayne, Alcona, Alpena, Antrim, Arenac, Benzie, Charlevoix, Cheboygan, Clare, Crawford, Emmet,

Gladwin, Grand Traursee, Iosco, Isabella, Kalkaska, Lake, Leelanau, Manistee, Mason, Mecosta, Missaukee, Montmorency, Newaygo, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Presque Isle, Roscommon and Wexford Counties, MI; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; Points in NH; points in NJ; points in NY; points in OH; points in PA; points in VT; points in VA; points in WV; (5) From points in Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers and Pueblo Counties, CO, to points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; points in CT; points in DE; points in DC; Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White and Williamson Counties, IL; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vanderburgh, Vermillion, Vigo and Warrick Counties, IN; points in KY; Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA; points in ME; points in MD; points in MA; Bay, Clinton, Genesee, Gratiot, Hillsdale, Huron, Ingham, Jackson, Lapeer, Lenawee, Livingston, Macomb, Midland, Monroe, Oakland, Saginaw, Saint Clair, Sanilac, Shiawassee, Tuscola, Washtenaw and Wayne Counties, MI; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; points in NH; points in NJ; points in NY; points in OH; points in PA; points in VT; points in VA; points in WV; (6) From points in Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Weld and Yuma Counties, CO, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia,

Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; New London County, CT; Kent and Sussex Counties, DE; District of Columbia; Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White and Williamson Counties, IL; Allen, Barren, Breckinridge, Bullitt, Butler, Christian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson, LaRue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Shelby, Simpson, Spencer, Todd, Trimble, Warren, Adair, Anderson, Boyle, Casey, Clinton, Cumberland, Fayette, Gerrard, Green, Jessamine, Lincoln, Madison, Marion, Mercer, Metcalfe, Monroe, Pulaski, Rockcastle, Russell, Taylor, Washington, Wayne, Woodford, Bell, Breathitt, Clay, Estill, Floyd, Harlan, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, McCreary, Owsley, Perry, Pike, Whitley, Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union and Webster Counties, KY; Avoynes, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA; Aroostook, Penobscot, Piscataquis, Somerset, Hancock, Knox, Waldo and Washington, Counties, ME; Anne Arundel, Calvert, Caroline, Charles, Montgomery, Prince Georges, Queen Annes, St. Marys, Talbot, Dorchester, Somerset, Wicomico and Worcester Counties, MD; Barnstable, Bristol, Dukes and Plymouth Counties, MA; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; Suffolk County, NY; Arlington, Caroline, Culpeper, Essex,

Fairfax, Fauquier, King, George, Orange, Prince Williams, Spotsylvania, Stafford and Westmoreland Counties, and the Independent Cities of: Alexander, Fairfax, Falls Church and Fredericksburg; Allegheny, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise and Wythe Counties, and the Independent Cities of: Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston and Staunton; Accomack, Gloucester, Greensville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex and York Counties, and the Independent Cities of: Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach and Williamsburg; Albermarle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King and Queen, King Williams, Louisa, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan, Prince Edward and Prince George Counties, and the Independent Cities of: Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond and Waynesboro, VA; Greenbrier, McDowell, Mercer, Monroe, Pocahontas, Raleigh, Summers, Wyoming, Braxton, Clay, Fayette, Kanawha, Nicholas, Webster, Boone, Cabell, Lincoln, Logan, Mingo, Putnam and Wayne Counties, WV. (Gateway Eliminated: Greene County, AR.)

MC 107012 (Sub-E688), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *Commercial and Institutional Fixtures and Store and Office Equipment, Crated*, (1) From points in CO, to points in AL, FL, GA, MS, NC, RI, SC and TN; (2) From points in Garfield, Mesa, Moffat, Rio Blanco and Routt Counties, CO, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; points in CT; points in DE;

points in DC; Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White and Williamson Counties, IL; Crawford Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vanderburgh, Vermillion, Vigo and Warrick Counties, IN; points in KY: Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA; points in ME; points in MD; points in MA; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; points in NH; points in NJ; Albany, Bronx, Columbia, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Sullivan, Ulster, Westchester, Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren, Washington and Suffolk Counties, NY; Athens, Belmont, Gallia, Guernsey, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Vinton and Washington Counties, OH; Adams, Bedford, Blair, Cambria, Centre, Clearfield, Clinton, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Tioga, Union, Berks, Bucks, Chester, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Philadelphia, Schuylkill, York, Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Wyoming, Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA; points in VT; points in VA; points in WV; (3) From points in Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont,

Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit and Teller Counties, CO, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; points in CT; points in DE; points in DC; Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White and Williamson Counties, IL; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vanderburgh, Vermillion, Vigo and Warrick Counties, IN; points in KY: Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA; points in ME; points in MD; points in MA; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; points in NH; points in NJ; Albany, Bronx, Columbia, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Sullivan, Ulster, Westchester, Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren, Washington and Suffolk Counties, NY; Athens, Belmont, Gallia, Guernsey, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Vinton and Washington Counties, OH; Adams, Bedford, Blair, Cambria, Centre, Clearfield, Clinton, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Tioga, Union, Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Wyoming, Berks, Bucks, Chester, Delaware, Lancaster, Lebanon, Lehigh,

Montgomery, Northampton, Philadelphia, Schuylkill and York Counties, PA; points in VT; points in VA; Greenbrier, McDowell, Mercer, Monroe, Pocahontas Raleigh, Summers, Wyoming, Braxton, Clay, Fayette, Kanawha, Nicholas, Webster, Barbour, Berkeley, Doddridge, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Tyler, Upshur, Wetzel, Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Boone, Cabell, Lincoln, Logan, Mingo, Putnam and Wayne Counties, WV; (4) From points in Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Ouray, Rio Grande, Saguache, San Juan and San Miguel Counties, CO, to points in Arkansas, Cleburne, Conway, Faulker, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; points in CT; points in DE; points in DC; Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White, Williamson, Champaign, Clark, Coles, Crawford, Cumberland, DeWitt, Douglas, Edgar, Ford, Grundy, Iriquois, Jasper, Kankakee, Lawrence, Livingston, Macon, McLean, Moultrie, Piatt, Richland, Vermilion and Wabash Counties, IL; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vanderburgh, Vermillion, Vigo, Warrick, Adams, Allen, Blackford, DeKalb, Delaware, Elkhart, Grant, Huntington, Jay, Kosciusko, Lagrange, Noble, Randolph, Steuben, Wabash, Wells, Whitley, Boone, Clinton, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, Shelby and Tipton Counties, IN; points in KY; Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA; points in ME; points in MD; points in MA; Bay, Clinton, Genesee, Gratiot, Hillsdale, Huron, Ingham, Jackson, Lapeer, Lenawee, Livingston, Macomb, Midland, Monroe, Oakland, Saginaw, Saint Clair, Sanilac, Shiawassee, Tuscola, Washtenaw, Wayne, Alcona, Alpena,

Antrim, Arenac, Benzie, Charlevoix, Cheboygan, Clare, Crawford, Emmet, Gladwin, Grand Traurse, Iosco, Isabella, Kalkaska, Lake, Leelanau, Manistee, Mason, Mecosta, Missaukee, Montmorency, Newaygo, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Presque Isle, Roscommon and Wexford Counties, MI; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; points in NH; points in NJ; points in NY; points in OH; points in PA; points in VT; points in VA; points in WV; (5) From points in Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kiowa, Las Animas, Lincoln, Otero, Prowers and Pueblo Counties, CO, to points in Arkansas, Cleburne, Conway, Faulker, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; points in CT; points in DE; points in DC; Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White and Williamson Counties, IL; Crawford, Clay, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spender, Sullivan, Vanderburgh, Vermillion, Vigo and Warrick Counties, IN; points in KY; Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA; points in ME; points in MD; points in MA; Bay, Clinton, Genesee, Gratiot, Hillsdale, Huron, Ingham, Jackson, Lapeer, Lenawee, Livingston, Macomb, Midland, Monroe, Oakland, Saginaw, Saint Clair, Sanilac, Shiawassee, Tuscola, Washtenaw and Wayne Counties, MI; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; points in NH; points in NJ; points in NY; points in OH; points in PA; points in VT; points in VA; points in WV. (6) From points in Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Weld and Yuma Counties,

CO, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; New London County, CT; Kent and Sussex Counties, DE; District of Columbia; Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Washington, Wayne, White and Williamson Counties, IL; Allen, Barren, Breckinridge, Bullitt, Butler, Christian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson, LaRue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Shelby, Simpson, Spencer, Todd, Trimble, Warren, Adair, Anderson, Boyle, Casey, Clinton, Cumberland, Fayette, Gerrard, Green, Jessamine, Lincoln, Madison, Marior, Mercer, Metcalfe, Monroe, Pulaski, Rockcastle, Russell, Taylor, Washington, Wayne, Woodford, Bell, Breathitt, Clay, Estill, Floyd, Harlan, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, McCreary, Owsley, Perry, Pike, Whitley, Ballard, Calwell, Calloway, Carlisle, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union and Webster Counties, KY; Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA; Aroostook, Penobscot, Piscataquis, Somerset, Hancock, Knox, Waldo and Washington Counties, ME; Anne Arundel, Calvert, Caroline, Charles, Montgomery, Prince Georges, Queen Annes, St. Marys, Talbot, Dorchester, Somerset, Wicomico and Worcester Counties, MD; Barnstable, Bristol, Dukes and Plymouth Counties, MA; Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne Counties, MO; Suffolk County, NY; Arlington, Caroline, Culpeper, Essex,

Fairfax, Fauquier, King, George, Orange, Prince William, Spotsylvania, Stafford and Westmoreland Counties, and the Independent Cities of: Alexandria, Fairfax, Falls Church and Fredericksburg; Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise and Wythe Counties, and the Independent Cities of: Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston and Staunton; Accomack, Gloucester, Greensville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland Richmond, Southampton, Surry, Sussex and York Counties, and the Independent Cities of: Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach and Williamsburg; Albemarle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King and Queen, King William, Louisa, Lunenburg, Mechlenburg, New Kent, Nottoway, Powhatan, Prince Edward and Prince George Counties, and the Independent Cities of: Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond and Waynesboro, VA; Greenbrier, McDowell, Mercer, Monroe, Pocahontas, Raleigh, Summers, Wyoming, Braxton, Clay, Fayette, Kanawha, Nicholas, Webster, Boone, Cabell, Lincoln, Logan, Mingo, Putnam and Wayne Counties WV (Gateway eliminated: Greene County, AR.)

MC 107403 (Sub-E-751), filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Liquid chemicals*, in bulk, in tank vehicles, from Muskegan, MI, to Billings and Sheridan, MT, Pocatello and Burley, ID, Salt Lake City, UT, and points in CO and WY. (Gateway eliminated: Chicago, IL.)

MC 107403 (Sub-E-752), filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Liquid chemicals*, in bulk, in tank vehicles, from the facilities of Kaiser Aluminum and Chemical Corp. at Gramercy, LA, to points in CA. (Gateway eliminated: Cedar City, UT.)

MC 10743 (Sub-E-753), filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Polystyrene granules*, from the facilities of United States Steel Corp. at Haverhill, OH, to points in MT, WA, OR, CA, NV, UT, NM, CO, and ID. (Gateway eliminated: Charleston, WV.)

MC 107403 (Sub-E-754) filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Liquid chemicals*, in bulk, in tank vehicles, (except liquified petroleum gases), from the facilities of American Cynamid Co. at Avondale, LA, to points in CA. (Gateway eliminated: Cedar City, UT.)

MC 107403 (Sub-E-755), filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Liquid chemicals*, in bulk, in tank vehicles, from Good Hope, LA, to points in WA, OR, ID, points in NV on and north of U.S. Hwy 50, and points in CA on and north of U.S. Hwy 80. (Gateway eliminated: St. Louis, MO.)

MC 107403 (Sub-E-756), filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Liquid chemicals*, in bulk, in tank vehicles, from the facilities of Kaiser Aluminum and Chemical Corp. at Gramercy, LA, to points in WA, OR, ID, and points in NV on and north of U.S. Hwy 50. (Gateway eliminated: St. Louis, MO.)

MC 107403 (Sub-E-757), filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Dry chemicals*, in bulk, in tank vehicles, from the facilities of Hooker Chemical Corp., R.U.C.O. Division, at Burlington, NJ, to points in MT, WA, OR, CA, NV, UT, NM, CO, and ID. (Gateway eliminated: Charleston, WV.)

MC 107403 (Sub-E-758), filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Liquid chemicals*, in bulk, in tank vehicles, from Baton Rouge, LA, to points in WA, OR, ID, and points in NV on and north of U.S. Hwy 50. (Gateway eliminated: St. Louis, MO.)

MC-107403 (Sub-E-759), filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Liquid chemicals*, in bulk, in tank vehicles, (except liquified

petroleum gases), from the facilities of American Cynamid Co., at Avondale, LA, to points in WA, OR, ID, and points in NV on and north of U.S. Hwy 50. (Gateway eliminated: St. Louis, MO.)

MC-107403 (Sub-E-760), filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Liquid chemicals*, in bulk, in tank vehicles, (except liquified petroleum gases), from Baton Rouge, LA, to points in CA. (Gateway eliminated: Cedar City, UT.)

MC-107403 (Sub-E-761), filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Benzic Acid*, in bulk, in tank vehicles, from Kalma, WA, to points in ME, NH, CT, MA, RI, MD, WV, OH, PA, NJ, and points in DE north of the Chesapeake and Delaware Canal. (Gateway eliminated: Niagara Falls, NY.)

MC-107403 (Sub-E-762), filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Fatty Acid Esters*, in bulk, in tank vehicles, from Santa Fe Springs, CA, to points in NY within 10 miles of Columbus Circle including New York, NY. (Gateway eliminated: Andover, MA.)

MC 107403 (Sub-E-763), filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Alcohol and alcohol products*, in bulk, in tank vehicles; in foreign commerce only (a) from ports of entry on the United States-Canada Boundary line in ID and MT to points in GA; (b) from ports of entry on the United States-Canada Boundary line in ID, MT, and ND, to points in AL and FL, and (c) from ports of entry on the United States-Canada Boundary line in ID, to points in NC. (Gateway eliminated: Baton Rouge, LA.)

MC 107403 (Sub-E-764), filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Coloring syrup*, in bulk, in tank vehicles; in foreign commerce, from ports of entry on the United States-Canada Boundary line in MT, ID, and ND, to points in VA, GA, AL, SC, NC, OH, IN, and WV. (Gateway eliminated: Louisville, KY.)

MC 107403 (Sub-E-765), filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as above). *Lime*, in bulk, in

tank or hopper vehicles; in foreign commerce, from ports in entry on the United States-Canada Boundary line in ND, ID, and MT to points in VA, GA, AL, SC, NC, OH, WV, and ID. (Gateway eliminated: Louisville, KY.)

MC 10743 (Sub-E-766), filed March 22, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., (same as above). *Lards, greases and fats* (except vegetable oils and except hydrolyzed and stabilized fats), in bulk, in tank vehicles; from ports of entry on the United States-Canada Boundary line in ID, ND, MT to points in VA, GA, AL, SC, NC, OH, and WV. (Gateway eliminated: Louisville, KY.)

MC 114019 (Sub-480), filed May 16, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEMS, INC., 700 S. Pulaski Rd., Chicago, IL 60629. Representative: Arthur J. Sibik (same as above). (1) *Wire, wire fencing, and other iron and steel articles*, from points in Cook County, IL, and Lake County, IN, to points in WI bounded on the east of U.S. Hwy 45, on the north by WI Hwy 60, on the west by U.S. Hwy 12 and Wisconsin Hwy 69, and on the south by the WI-IL State line; (2) *Structural, architectural and ornamented iron, steel and metal work*, from points in Cook County, IL, and Lake County, IN, to points in WI listed in (1) above, and to points in IA on north and east of a line beginning at the Mississippi River extending along U.S. Hwy 18 to junction U.S. Hwy 69, then along U.S. Hwy 69 to junction U.S. Hwy 20, then along U.S. Hwy 20 to junction U.S. Hwy 71, then along U.S. Hwy 71 to junction IA Hwy 175, then along Iowa Hwy 175 to the Missouri River.

(3) *Roofing and siding, roof and siding materials and equipment, and insulating materials*, from points in Cook County, IL, and Lake County, IN, to points in WI on and bounded by a line beginning at the IL-WI State line extending along U.S. Hwy 45 to junction WI Hwy 100, then along WI Hwy 100 to junction WI Hwy 32, then along WI Hwy 32 to junction WI Hwy 60, then along WI Hwy 60 to junction U.S. Hwy 12, then along U.S. Hwy 12 to Madison, then along WI Hwy 69 to the WI-IL State line to point of beginning. (Gateway eliminated: Milwaukee, WI, and Waukegan, IL.) Purpose of republication: clarify all 3 parts.

MC 114019 (Sub-E-484) filed May 16, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEMS, INC., 700 S. Pulaski Rd., Chicago, IL 60629. Representative: Arthur J. Sibik (same as above). *Mineral mixtures*, in containers, (1) from New York, NY, Philadelphia,

PA, and points within 30 miles thereof, and Baltimore, MD, to Louisville, KY, Covington and Newport, KY, and points in MI, IN, WI, IL, MN, IA, MO, ND, SD, NE, KS, WY, and CO; (2) from points in NY on and west of a line beginning at Windsor Beach extending to Rochester, then along U.S. Hwy 15 to Wayland, then along NY Hwy 245 to Dansville, then along NY Hwy 36 to junction NY Hwy 21, then along NY Hwy 21 to Andover, then along NY Hwy 17 to the NY-PA State line, and points in PA, and points in WV north of U.S. Hwy 50, to points in MI, WI, MN, IA, ND, SD, NE, KS, WY, CO, points in MO on and north of a line beginning at the MO-IL State line extending along U.S. Hwy 24 to junction U.S. Hwy 63, then along U.S. Hwy 63 to junction U.S. Hwy 40, then along U.S. Hwy 40 to junction U.S. Hwy 65, then along U.S. Hwy 65 to junction U.S. Hwy 54, then along U.S. Hwy 54 to junction MO Hwy 13, then along MO Hwy 13 to junction U.S. Hwy 160, then along U.S. Hwy 160 to the MO-AR State line, points in IL on and north of U.S. Hwy 40, points in IN on and north of a line beginning at the IL-IN state line extending along U.S. Hwy 40 to junction IN Hwy 67, then along IN Hwy 67 to junction IN Hwy 37, then along IN Hwy 37 to junction IN Hwy 32, then along IN Hwy 32 to junction IN Hwy 26, then along IN Hwy 26 to the IN-ON State line, and St. Louis, MO, and Newport, Louisville, and Covington, KY; (3) from points in OH and WV within 2 miles of the Ohio River northerly from Sistrerville, WV, and Fly, OH, to the WV-OH-PA State line, to the District of Columbia, points in DE, points in MD on and east of U.S. Hwy 15, and points in NY on and east of NY Hwy 14; (4) from Atica, IL, to points in DE, the District of Columbia, points in MD on and east of U.S. Hwy 15, and points in NY, on and east of NY Hwy 14. (Gateways eliminated—points in Ohio.)

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-26901 Filed 8-28-79; 8:45 am]

BILLING CODE 7035-01-M

[Exception No. 12 to Revised Service Order No. 1312]

Soo Line Railroad Company

Because of the inability of the railroad to assemble the cars, a movement of thirty-six (36) loaded covered hopper cars will be seriously delayed on Soo Line Railroad Company enroute to Buffalo, New York, for unloading. Standard Milling desires to ship a sixty (60) car unit-grain-train at Buffalo, New

York, routed Soo Line-ConRail. The consignee at Buffalo is badly in need of the wheat, but only 36 covered hoppers have arrived at Minneapolis. Section (a) of Revised Service Order No. 1312 authorizes any railroad which is unable to supply the number of covered hopper cars required by its tariffs to transport unit-grain-trains of fewer cars in accordance with the scale in Section (b).

Pursuant to the authority vested in the Director, Bureau of Operations, by Section (h) of Revised Service Order No. 1312, Soo Line Railroad Company is authorized to operate a sixty (60) car unit-grain-train from Minneapolis, Minnesota, to Buffalo, New York, comprised of sixty (60) railroad owned covered hoppers, on a one trip basis, with a minimum of 36 loaded cars operated in the first movement, and the remaining cars of the unit-train operated together in the final movement of this unit-grain-train. The total tariff minimum weight will be transported as required except if the railroad is unable to move all of the empty covered hoppers to the loading point on the final movement, the train can be reduced by the allowable number of cars or allowable weight percentage, as set forth in Section (b) of this Service Order.

This exception applies to railroad owned covered hopper cars.

The bills of lading and waybills shall bear the following endorsement: "Unit-grain-train of () tons or () cars. Partial movement of () tons or () cars forwarded authority Exception No. 12 to ICC Revised Service Order No. 1312. () tons or () cars to follow."

Demurrage rules will be treated as if each of the movements of the unit-train is a complete movement in itself.

Effective August 9, 1979.

Expires 11:59 p.m., August 17, 1979.

Issued at Washington, D.C., August 9, 1979.

Joel E. Burns,
Director.

[FR Doc. 79-26901 Filed 8-28-79; 8:45 am]

BILLING CODE 7035-01-M

Fourth Section Application for Relief

August 24, 1979.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. on or before September 13, 1979.

FSA No. 43738, Southwestern Freight Bureau, Agent No. B-21, sulphur (brimstone) and molten sulphur, in carloads, from origins in Southwestern Territory to destinations in Southern Territory, in Supp. 12 to its Tariff ICC SWFB 4317-A, effective September 15,

1979. Grounds for relief—need for increased revenue.

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-26937 Filed 8-28-79; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications; Notice

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

[Notice No. 145]

August 14, 1979.

MC 1074 (Sub-20TA), filed May 10, 1979. Applicant: ALLEGHENY FREIGHT LINES, INC., P.O. Box 2080, Winchester, VA 22601. Representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, VA 22611. Common; regular; General

Commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment serving the facilities of Cello Chemical Co., Inc., at Havre de Grace as an off-route point in connection with carrier's existing regular route authority. Authority is sought to tack this authority and to interline with other motor carriers for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Transportation Bureau of Baltimore, For Acct. of Cello Chemical Co. Executive Plaza No. 1, Suite 305, Hunt Valley, MD 21031. Send protests to: Cello Chemical Co., 1354 Old Post Rd., Havre de Grace, MD 21078. ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 1334 (Sub-29TA), filed July 12, 1979. Applicant: RITEWAY TRANSPORT, INC., 2131 W. Roosevelt, Phoenix, AZ 85005. Representative: Robert R. Digby, P.O. Box 6849, Phoenix, AZ 85005. *Furniture, furniture parts, baskets, containers, lamps, decorative ornaments, and commodities, materials and supplies used in and useful in the manufacture, distribution and sale of furniture, furniture parts, baskets, containers, lamps and decorative ornaments, between Pinal County, AZ and points in the United States (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to interline with other carriers. Supporting shipper(s): Wudlite, Inc., P.O. Box 1256, Coolidge, AZ 85228. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.*

MC 1824 (Sub-102TA), filed July 18, 1979. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Blvd., Preston, MD. 21655. Representative: Thomas M. Auchincloss, Jr., 700 World Center Bldg., 918 Sixteenth St., NW., Washington, DC 20006. Authority sought to operate as a common carrier over regular routes transporting General commodities, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Canton, OH and Wooster, OH, from Canton over US Hwy 30 to Wooster, and return over the same route, (2) between Canton, OH and Salem, OH, from Canton over I-77 to junction US Hwy 62, then over US Hwy 62 to junction OH Hwy 173, then over OH Hwy 173 to Salem, and return over the same route, (3) between Canton, OH and Minerva, OH, from Canton over US Hwy 30 to Minerva, and

return over the same route, (4) between Canton, OH and New Philadelphia, OH, from Canton over I-77 to junction OH Hwy 39, then over OH Hwy 39 to New Philadelphia, and return over the same route, (5) between Wooster, OH and junction US Hwy 250 and I-77, from Wooster over US Hwy 250 to junction I-77, and return over the same route, serving all intermediate points on the above specified routes, and points in Carroll, Columbiana, Holmes, Mahoning, Stark, Tuscarawas and Wayne Counties, OH, as off-route points. An underlying ETA seeks 90 days. Applicant does intend to tack this authority with authority it presently holds in MC-1824. Supporting shipper(s): There are 24 statements in support of this application. They may be reviewed at Headquarters or at the office listed below. Send protests to: W. L. Hughes, DS, ICC, 1025 Federal Bldg., Baltimore, Md 21201.

MC 2934 (Sub-30TA), filed May 11, 1979. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: James L. Beattey, 130 E. Washington St., Suite 1000, Indianapolis, IN 46204. *Baby strollers, car seats, and related baby or infant furniture and products from the plantsite of Strolee of California, at or near Compton, CA, to points in the United States for 180 days. Supporting shipper: Strolee of California, 19067 Reyes Avenue, Compton, CA 90220. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio Street, Rm 429, Indianapolis, IN 46204.*

MC 2934 (Sub-31TA), filed July 13, 1979. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 N. Michigan Road, Carmel, IN 46032. Representative: James L. Beattey, 130 E. Washington St., Suite 1000, Indianapolis, IN 46204. *Appliances, home entertainment equipment, and related articles, from the J. C. Penney facilities at or near Anderson, IN, to points and places in AL, AR, CT, DE, DC, FL, GA, IL, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV and WI, for 180 days. Supporting shipper: J. C. Penney Company, Inc., 1301 Avenue of the Americas, New York, NY 10019. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.*

MC 4024 (Sub-7TA), filed June 18, 1979. Applicant: HORN TRUCKING CO., 300 Schmetter Rd., Highland, IL 62249. Representative: Edward D. McNamara, Jr., 907 S. Fourth, Springfield, IL 62703. *Iron and steel articles and ferrous and non-ferrous metals, zinc ingots, slabs,*

bars, aluminum ingots, pigs, sows, copper cathodes and ingots, between Gerald, MO and points in MO located along U.S. 50 and Interstate 44 and St. Louis and its commercial zone and the states of IL, MO, AK, TN, KY, LA, MI, AL, GA, TX, IN, OH, IA, WI, FL, OK, and MS; Between Chicago, IL and its commercial zone and the states of IN, OH, WI, MI, and IA: between E. St. Louis, IL Chicago, Oldenburg commercial zone and the states of IN, AL, IL, MI, AK, OH, MO, and GA, for 180 days. Supporting shippers: Three supporting shippers. Send protests to: Annie Booker, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 5285 (Sub-7TA), filed June 7, 1979. Applicant: BAYSE TRANSPORTATION SERVICE, INC., P.O. Box 1002, Salem, VA 24153. Representative: Charles W. Bayse (same as applicant). *Foodstuffs and/or materials and supplies used in the production or distribution of foodstuffs* between points in Newport, Sevierville, Tellico Plains, and Jefferson City, TN and points in VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Stokely-Van Camp, Inc., 941 N. Meridian St., Indianapolis, IN 46206. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 14215 (Sub-56TA), filed July 5, 1979. Applicant: SMITH TRUCK SERVICE, INC., P.O. Box 1329, Steubenville, OH 43952. Representative: John L. Alden, Stiversen and Alden, 1396 West Fifth Avenue, Columbus, OH 43212. *Iron and steel and iron and steel articles*, (1) from the facilities of Wheeling-Pittsburgh Steel Corporation located at Canfield, Martins Ferry, Mingo Junction, Steubenville and Yorkville, OH, Beech Bottom, Benwood, Follansbee and Wheeling, WV and Monessen, PA to points in the states of IL, IN, KY, MD, MI (Lower Peninsula), NY, OH, PA, VA, WV and WI; (2) from the facilities of Wheeling-Pittsburgh Steel Corporation located at Allenport, PA to points in the states of KY, MI (Lower Peninsula), MD, NY, PA, VA, WV and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wheeling-Pittsburgh Steel Corporation, P.O. Box 118, Pittsburgh, PA 15230. Send protest to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 19945 (Sub-73TA), filed July 11, 1979. Applicant: BEHNKEN TRUCK SERVICE, INC., Route 13, New Athens, IL 62264. Representative: Joseph R. Behnken, Route 13, New Athens, IL 62264. *Coke* in bulk, from the plantsite and storage facilities of Great Lakes Carbon Corp., MO Coke and Chemical

Division, to points in IL, IN, IA, MI, MN and WI for 180 days. Supporting shipper(s): Great Lakes Carbon Corporation, 299 Park Avenue, New York, NY 10017. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 31675 (Sub-25TA), filed July 12, 1979. Applicant: NORTHERN FREIGHT LINES, INC., P.O. Box 34303, Charlotte, NC 28234. Representative: Garland V. Moore, (same as applicant). *Iron or steel articles* from Brookville, PA to Spartanburg, SC, for 180 days. Supporting shipper(s): Beverage Air Corp., Hwy. I-85, Spartanburg, SC. Send protests to: Terrell Price, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 44605 (Sub-53TA), filed June 14, 1979. Applicant: MILNE TRUCK LINES, INC., 2500 West California Avenue, Salt Lake City, UT 84104. Representative: Henry A. Dahn (same address as applicant). *Common carrier*: regular routes: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Reno, NV, and Las Vegas, NV; from Reno over Interstate Hwy 80 to junction Alternate U.S. Hwy 95, then over Alternate U.S. Hwy 95, then over U.S. Hwy 95 to Las Vegas, and return over the same routes, serving no intermediate points except as otherwise authorized, including commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Note: Applicant proposes to tack the authority sought here with MC-44605 and to interline with other carriers at Las Vegas and Reno, NV. Supporting shipper(s): There are 57 statements in support attached to this application which may be examined at the ICC in Washington, D.C., or copies of which may be examined at the field office named below. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 45194 (Sub-25TA), filed June 29, 1979. Applicant: LATTAVO BROTHERS, INC., P.O.B. 6270, Canton, OH 44706. Representative: James W. Muldoon, 50 W. Broad St., Columbus, OH 43215. *Lumber*, from Prosperity, SC to points in OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Stark Truss, Inc., 1556 Perry Dr., SW., Canton, OH 44706. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Philadelphia, PA 19106.

MC 45764 (Sub-32TA), filed June 22, 1979. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., Industrial Highway and Saville Ave., Eddystone, PA 19013. Representative: Edward Kells,

(same as address as applicant). *Flat glass*, from the facilities of Libbey-Owens-Ford Co., at or near Toledo, OH to pts. in TX. (representative pts, but not all inclusive pts are Dallas, Ft. Worth, Houston and San Antonio, for 180 days). An underlying ETA seeks 90 days authority. Supporting shipper(s): Libbey-Owens-Ford Company, 811 Madison, Toledo, OH 43695. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 49304 (Sub-35TA), filed June 18, 1979. Applicant: BOWMAN TRUCKING CO., INC., P.O. Box 6, Stephens City, VA 22655. Representative: Gary E. Thompson, 4304 East-West Hwy, Washington, DC 20014. *Waste residue of coal-burning boiler systems* from Washington, DC to points in Frederick County, MD and Frederick County, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Flintkote Co., 11350 McCormick Rd., Hunt Valley, MD 21031. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 60014 (Sub-131TA), filed July 13, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Wallboard, fiberboard, pulpboard, or strawboard* from the facilities of Boise Cascade Corp. at or near Cicero, IL to points in IN, KY, MI, NY, OH, and PA, for 180 days. Supporting shipper(s): Boise Cascade Corp., P.O. Box 2885, Portland, OR 97208. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 94265 (Sub-313TA), filed July 2, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305—Route 460 West, Windsor, VA 23487. Representative: Clyde W. Carver, Attorney, P.O. Box 720434, Atlanta, GA 30328. *Meat products, meat by-products, articles distributed by meat packinghouses and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in Sections A, C, and D of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk)* between the facilities of Lauridsen, Foods, Inc., at or near Britt, IA, and Armour & Co., at or near Mason City, IA, on the one hand, and, on the other, points in the states of NY, NJ, PA, DE, VA, WV, NC, SC, GA, FL, AL, MD, KY, TX and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour & Company, Greyhound Tower, Phoenix, AZ 85077. Send protests to: I.C.C., Fed.

Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 94265 (Sub-314TA), filed July 9, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Rt. 460 West, Windsor, VA 23487. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Foodstuffs (except in bulk) in vehicles equipped with mechanical refrigeration* from points in Fulton County, GA, to all points in the states of DE, IN, KY, MD, NC, OH, PA, TN, VA, WV, and DC. Restricted to the transportation of traffic originating at the facilities of Munford Refrigerated Warehouses, Division of Munford, Inc. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Munford Refrigerated Warehouses, Division of Munford, Incorporated, 6150 Xavier Drive, S.W., Atlanta, GA 30336. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 98255 (Sub-4TA), filed July 12, 1979. Applicant: LAWRENCEBURG TRANSFER, INC., U.S. Hwy. 127 North, Lawrenceburg, KY 40342. Representative: Robert H. Kinker, Atty., P.O. Box 464, Frankfort, Ky. 40602. Electric motors, electric gear motors, power transmission equipment, and machinery and controllers or controller parts and parts and accessories therefor, weighing machinery and parts and accessories, telecommunication equipment and parts and accessories, and castings for forgings, between the facilities of Reliance Electric Co., at Lawrenceburg, KY, and Columbus, IN, and the commercial zones thereof. Supporting shipper(s): Reliance Electric Company, Highway 127 North, Lawrenceburg, KY 40342. Send protests to: Mrs. Linda H. Sypher, D/S, ICC, 426 Post Office Bldg., Louisville, Ky. 40202.

MC 98614 (Sub-14TA), filed May 2, 1979. Applicant: ARKANSAS TRANSPORT COMPANY, P.O. No. 702, Little Rock, AR 72203. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. *Petroleum and petroleum products*, in bulk, from Fort Smith, AR and its commercial zone to points in OK on and East of Interstate Highway 35, for 180 days. A corresponding ETA (R-12) is filed. Supporting shipper(s): There are seven supporting shippers whose statements may be examined at the Little Rock Office or at Headquarters. Send protests to: William H. Land, Jr., 3108 Federal Building, 700 West Capitol, Little Rock, AR 72201.

MC 102295 (Sub-36TA), filed July 11, 1979. Applicant: GUY HEAVENER, INC., 480 School Lane, Harleysville, PA 19438. Representative: Maxwell A. Howell,

1100 Investment Building, 1511 K Street, N.W., Washington, DC 20005. *Slag*, from points in Cape May County, NJ to points in Baltimore County, MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Metals Development Company, 400 West Glenwood Ave., Phila., PA 19140. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 106674 (Sub-405TA), filed May 16, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, U.S. Highway 24 West, Remington, IN 47977. Representative: Jerry L. Johnson, P.O. Box 123, U.S. Highway 24 West, Remington, IN 47977. *Iron and steel articles* from the facilities of Armco Inc., Ashland, KY to points in the states of IL and IN; and from the facilities of Armco Inc., Middletown, OH to points in the states of KY, IL and IN for 180 days. Restricted to traffic originating at the above facilities. Supporting shipper: Armco, Inc., 703 Curtis St., Middletown, OH 45043.

MC 106674 (Sub-406TA), filed May 2, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, U.S. Highway 24 West, Remington, IN 47977. Representative: Jerry L. Johnson, (same address as applicant). *Particleboard, fiberboard, and built-up woods including faced or finished*, Stuart and Waverly, VA and Spring Hope, NC to PA, TN, IN, KY, OH, NY, MD, NJ, CT, W, DE, MA and RI for 180 days. Supporting shipper: Masonite Corporation, P.O. Box 378, Waverly, VA 23890. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio Street, Room 429, Indianapolis, IN 46204.

MC 106674 (Sub-407TA), filed April 27, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, U.S. Highway 24 West, Remington, IN 47977. Representative: Jerry L. Johnson, (same address as applicant). *Sand, gravel and stone, in bulk, in dump vehicles*, from bullitt County, KY, to Chicago, IL and Detroit, MI, for 180 days. Supporting shipper: Old Dutch Materials Co., 350 Pfingsten, North Brook, IL 60062. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 107295 (Sub-933TA), filed July 12, 1979. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Richard Vollmer, P.O. Box 146, Farmer City, IL 61842. (1) *Insulation materials*, from Sanford, ME to points in DE, DC, KY, MD, NJ, NY, NC, OH, PA, VA and WV and (2) *materials, equipment and supplies used in the manufacture distribution and application of insulation materials*

except commodities in bulk, from points in DE, DC, KY, MD, NJ, NC, OH, PA, VA and WV to Sanford, ME for 180 days. An underlying ETA was granted for 90 days authority. Supporting shipper(s): NFG Barriers, Inc., P.O. Box 30, Sanford, ME 04073. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 107295 (Sub-932TA), filed June 1, 1979. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr, P.O. Box 146, Farmer City, IL 61842. *Iron and steel and iron and steel articles*; from ex-barge from Madison, IN to destinations in the states of IL, IN and MI for 180 days. An underlying ETA was granted 90 days authority. Supporting shipper(s): Wheeling-Pittsburgh Steel Corporation, P.O. Box 118, Pittsburgh, PA 15230. Send protests to: Annie Booker, TA, Room 1386, 219 South Dearborn Street, Chicago, IL 60604.

MC 109124 (Sub-89TA), filed May 18, 1979. Applicant: SENTLE TRUCKING CORP., P.O. Box 7850, Toledo, OH 43619. Representative: James M. Burtch, 100 East Broad St., Columbus, OH 43215. *Sand*, from Porter, Laporte, Jasper, and Newton Counties, IN to points in IL, MI, and OH for 180 days. Supporting shipper(s): Crisman Sand Co., Inc., 6480 Melton Road, Portage, IN 46368. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 111274 (Sub-48TA), filed July 11, 1979. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 356, Morton, IL 61550. Representative: Frederick C. Schmidgall, P.O. Box 356, Morton, IL 61550. *Contract carrier: irregular routes: Materials and components used or useful in the manufacture, erection and completion of metal building and metal buildings*, between El Paso, IL, Ft. Collins, CO, and Houston, TX and points in AL, AR, CO, CT, DE, FL, GA, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SD, TN, TX, VT, VA, WV, WI, and WY for 180 days. An underlying ETA was granted for 90 days authority. Supporting shipper(s): Marathon Metallic Bldg. Co., P.O. Box 8, Route 24 E., El Paso, IL. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 111274 (Sub-49TA), filed July 12, 1979. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 356, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant). *Contract carrier: irregular routes: Material handler, material handler parts, and material handler trailer*, from Crystal Lake, IL to points in KS, MO, SD, PA, MI, CO, OH, NY, and WA. Points of

entry on the U.S.-Canadian boundary in MT, ND, MN, MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Foxcroft Development Associates, 5402 Edgewood Rd., Crystal Lake, IL 60014. Send protests to: David Hunt, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 112304 (Sub-199TA), filed June 13, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John D. Herbert (same as applicant). *Iron and steel articles* from Springfield, MO to Drakesboro, KY and Georgetown, SC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Acme Structural, Inc., 2101 N. Packer Rd., Springfield, MI 65803. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 112304 (Sub-200TA), filed June 25, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John D. Herbert (same as applicant). *Steel buildings NOI, KD and/or component parts* from the facilities of Republic Buildings Corp., at or near Rainsville, AL, to pts. in AR, FL, GA, KY, LA, MS, MO, NC, OK, SC, TN, VA and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Republic Buildings Corp., 1202 Industrial Ave., Van Wert, OH 45891. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 112304 (Sub-201TA), filed June 25, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. *Commodities, the transportation of which because of size or weight require the use of special equipment; metal articles; and self-propelled articles, each weighing 15,000 pounds or more; and related machinery, tools, parts and supplies moving in connection therewith.* (1) between CT, DC, IL, IN, KY, MD, MA, MI, MO, NH, NJ, NY, OH, PA, RI, TX, VT, VA, WV, and WI, on the one hand, and, on the other, AL, AZ, AR, CA, CO, DE, FL, GA, ID, IA, KS, LA, ME, MN, MS, MT, NE, NV, NM, NC, ND, OK, OR, SC, SD, TN, UT, WA, and WY; and (2) between CT, DC, IL, IN, KY, MD, MA, MI, MO, NH, NJ, NY, OH, PA, RI, TX, VT, VA, WV, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are sixteen (16) statements of support attached to this application which may be examined at the ICC in Washington, D.C. or copies of which may be

examined in the field office named below. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 112304 (Sub-202TA), filed July 2, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: John D. Herbert (same as applicant). *Iron and steel articles* from the facilities of Lukens Steel Co. at or near Coatesville and Conshohocken, PA to the states of AL, GA, MD, MO, NC, OK, SC, VA, and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lukens Steel Co., Coatesville, PA 19320. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 112595 (Sub-89TA), filed June 18, 1979. Applicant: FORD BROTHERS, INC., 510 Riverside Dr., P.O. Box 727, Ironton, OH 45638. Representative: Richard T. Trettin (same as applicant). *Petroleum products*, in bulk, in tank vehicles from Dayton, OH to points in KY (on and west of U.S. 31W) and IN for 180 days. Supporting shipper(s): Sun Petroleum Products Co. a Division of Sun Oil Co. of Pennsylvania, P.O. Box 920, Toledo, OH 43693. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 113434 (Sub-140TA), filed July 19, 1979. Applicant: GRA-BELL TRUCK LINE, INC., A5253 144th Avenue, Holland, MI 49423. Representative: Roger Van Wyk, A 5253, 144th Avenue, Holland, MI 49423. *Glass containers and equipment, supplies and accessories* Between Marion, IN and the states of MI and OH. Restricted to traffic originating at or destined to the facilities of Foster Forbes Glass Company and restricted to traffic originating at the named origins and destined to the named destinations. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Can Corporation, 8101 West Higgins Road, Chicago, IL 60631. Send protests to: C. R. Flemming, D/S, ICC, 225 Federal Building, Lansing, MI 48933.

MC 113974 (Sub-60TA), filed July 12, 1979. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., 211 Washington Ave., Dravosburg, PA 15034. Representative: James D. Porterfield, 211 Washington Ave., Dravosburg, PA 15034. *Iron and steel articles*, from Marietta, GA to points in AL, DE, KS, KY, LA, MS, MO, NE, NJ, OK, TX, WV, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pacesetter Steel Service, Inc., P.O. Box 6865, 980 Marietta Ind. Dr., Marietta, GA 30065. Send protests to: ICC, Fed. Res. Bank Bldg.,

101 N., 7th St., Room 620, Phila., PA 19106.

MC 114604 (Sub-80TA), filed July 9, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE., Atlanta, GA 30326. *Such commodities as are dealt in by grocery and food business houses (except commodities in bulk, in tank vehicles) in vehicles equipped with mechanical refrigeration* from the facilities of Kraft, Inc., at Decatur and Doraville, GA to points in FL from 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kraft, Inc., International Bank Bldg., Suite 963, 315 W. Ponce de Leon, Decatur, GA 30030. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW., Rm. 300, Atlanta, GA 30309.

MC 114604 (Sub-81TA), filed July 9, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta, GA 30326. *Frozen bakery products* from the facilities of Tennessee Donut Corp. located at or near Nashville, TN to all points in AR for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tennessee Donut Corp., 2975 Armory Dr., Nashville, TN 37204. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW., Rm. 300, Atlanta, GA 30309.

MC 117765 (Sub-269TA), filed July 13, 1979. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). *Malt beverages, in containers and related advertising material*, from Evansville, IN, to KS and OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): G. Heileman Brewing Company, Inc., 925 S. Third Street, La Crosse, WI 54601. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 119834 (Sub-41TA), filed July 2, 1979. Applicant: ROBERT N. TOOMEY TRUCKING CO., 1516 S. George St., York PA 17403. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Contract; Irregular: Refractory brick and refractory products* from York, PA, including its commercial zone to points in the continental United States in and west of MN, IA, MO, AR, and LA for 180 days. Supporting shipper(s): Dolomite Brick Corp of America, P.O. Box 2028, York, PA 17405. Send protests to: ICC,

Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 119974 (Sub-84TA), filed June 27, 1979. Applicant: L.C.L. TRANSIT COMPANY, 949 Advance St., Green Bay, WI 54304. Representative: L.F. Abel, P.O. Box 949, Green Bay, WI 54305. *Liquid sugar, in bulk, in tank vehicles*, from facilities of American Crystal Sugar Co. at Chaska, MN to points in WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Crystal Sugar Co., 101 N. 3rd St., Moorehead, MN 56560. Send protests to: Gail Daugherty, TA, ICC, 517E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 120364 (Sub-24TA), filed July 25, 1979. Applicant: A & B FREIGHT LINE, INC., 2800 Falund Street, Rockford, IL 61109. Representative: Robert M. Kaske (address same as applicant). *General commodities, except Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those commodities requiring the use of special equipment, between Monroe and Brodhead, WI and northern Illinois territory it is presently authorized to serve, for 180 days. Supporting shipper(s): Six supporting shippers. Send protests to: Annie Booker, TA, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.*

MC 121664 (Sub-77TA), filed July 12, 1979. Applicant: HORNADY TRUCK LINES, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35233. *Lumber, lumber products, and pallets*; from Tuscaloosa, AL to points in WI, IL, IN, OH, PA, WV, VA, TX, MI, KY, AR, TN, NC, SC, GA, MS, LA, FL, and AL. For 180 days. Supporting shipper(s): Newton Lumber Co., P.O. Box 2181, Tuscaloosa, AL 35401. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 121664 (Sub-79TA), filed July 17, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 1st Avenue South, Birmingham, AL 35233. *Lumber and pallets* from Moundville, AL to points in and east of TX, OK, MO, IA, and MN, for 180 days. Supporting shipper(s): Newton Brothers Lumber Co., Inc., P.O. Box 487, Moundville, AL 35474. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35230.

MC 121664 (Sub-80TA), filed July 17, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant,

1702 1st Avenue South, Birmingham, AL 35233. *Lumber*, (1) from MS, LA, FL, GA, and TX to Russellville, AL. (2) From Russellville, AL to points in WI, IL, IN, OH, PA, MI, KY, TN, and TX, for 180 days. Supporting shipper(s): Bullington Wholesale Lumber Company, Inc., P.O. Box E, Russellville, AL 35653. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 123675 (Sub-7TA), filed July 13, 1979. Applicant: SOLDIER BROS. A B T LINE, INC., 614 Paine Ave., Toledo, OH 43605. Representative: Arthur R. Cline, 420 Security Bldg., Toledo, OH 53604. *Automobile parts* from Fort Wayne, IN to Toledo, OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The City Auto Stamping Co., Div. of Sheller-Globe Co., Lint and Dura Aves., Toledo, OH 43612. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 124144 (Sub-21TA), filed June 27, 1979. Applicant: ROBERT N. TOOMEY TRUCKING CO., 1516 S. George St., York, PA 17403. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Contract; irregular: (1) Agricultural chemicals, insecticides and adhesives (except in bulk)*, from Hanover, PA and its commercial zone, to points in ID and ND; and (2) adhesives, from Hanover, PA and its commercial zone, to points in CA, WA, NV, OR and AZ for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Miller Chemical & Fertilizer Corp., P.O. Box 333, Hanover, PA 17331. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 124774 (Sub-115TA), filed July 17, 1979. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7171 Mercy Road, Omaha, NE 68106. *Iron and steel articles* from New York City, NY; Philadelphia, PA; Cleveland, OH; Greenfield, IN and their commercial zones to the facilities of Phillips Manufacturing Co., Inc., at Omaha, NE for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Phillips Manufacturing Co., Inc., 4601 South 76th St., Omaha, NE 68127. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 124835 (Sub-15TA), filed June 27, 1979. Applicant: PRODUCERS TRANSPORT CO., P.O. Box 4022, Chattanooga, TN 37405. Representative: Sam Speer (same address as applicant). *Limestone and limestone products* from

Luttrell, TN to points in AL, FL, GA, IL, IN, TN, KY, MS, NC, OH, PA, SC, VA and WV for 180 days. Supporting shipper(s): Tenn-Luttrell Lime Company, 9047 Executive Park Dr. Suite 210, Knoxville, TN 37919. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 124964 (Sub-45TA), filed July 5, 1979. Applicant: J. M. BOOTH TRUCKING, INC., P.O. Box 907, Eustis, FL 32726. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier, irregular routes, transporting sugar (except in bulk)*, from Gramercy, LA, to points in AL, FL, GA, NC, and SC for 180 days. Under a continuing contract or contracts with Borden, Inc., Columbus, OH. Supporting shipper(s): Colonial Sugars, Div. of Borden Foods, 180 E. Broad Street, Columbus, OH 43215. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 126904 (Sub-31TA), filed July 16, 1979. Applicant: H. C. PARRISH TRUCK SERVICE, INC., R.R. 2, Box 264, Freeburg, IL 62243. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. *Pre-cast concrete products and modular mausoleum crypt units*, from Denver, CO; Dade City, FL; Laurel, MD; Bluffton, OH and Oshkosh, WI, to points in the United States (except AL and HI), for 180 days. Supporting shipper(s): Duwe Precast Products, P.O. Box 2068, Oshkosh, WI 54901. Send protests to: David Hunt, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 127705 (Sub-90TA), filed April 26, 1979. Applicant: KREVDA BROS., EXPRESS, INC., P.O. Box 68, Gas City, IN 46933. Representative: Donald W. Smith, 9000 Keystone Crossing, Indianapolis, IN 46240. *Fiberboard boxes*, from the facilities of Longview Fiber Company at Milwaukee, WI to points in IL, IN, OH, NY, NJ, WV and PA for 180 days. Restriction: Restricted to traffic originating at the named origins and destined to the named destination states. Supporting shipper: Longview Fiber Company, 3822 N. Third Street, Milwaukee, WI 53132. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 127705 (Sub-91TA), filed April 30, 1979. Applicant: KREVDA BROS., EXPRESS, INC., P.O. Box 68, Gas City, IN 46933. Representative: Donald W. Smith, Suite 945—9000 Keystone Crossing, Indianapolis, IN 46240. *Foodstuffs viz. sauces, salt, food curing, preserving compounds (except commodities in bulk and those requiring*

mechanical refrigeration equipment), from the facilities of Ragu' Foods, at Rochester, NY to points in IL, MD, MI, OH, PA, WI and WV for 180 days. Supporting shipper: Ragu' Foods, Inc., 33 Benedict Place, Greenwich, CT 06830. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio Street, Rm. 429, Indianapolis, IN 46204.

MC 127705 (Sub-92TA), filed April 30, 1979. Applicant: KREVEDA BROS. EXPRESS, INC., P.O. Box 68, Gas City, IN 46933. Representative: Donald W. Smith, Suite 945—9000 Keystone Crossing, Indianapolis, IN 46240. *Canned and preserved foodstuffs*, from the facilities of Heinz USA at or near Pittsburgh, PA to points in KY and MI for 180 days. RESTRICTION: Restricted to traffic originating at the named destination and destined to the named destination states. Supporting shipper: H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 129994 (Sub-36TA), filed June 27, 1979. Applicant: RAY BETHERS TRUCKING, INC., 176 West Central Avenue, Murray, UT 84107. Representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, UT 84111. *Sand* (except in bulk) from CO to CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Colorado Silica Sand, P.O. Box 15615, Colorado Springs, CO. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 129994 (Sub-37TA), filed June 27, 1979. Applicant: RAY BETHERS TRUCKING, INC., 176 West Central Avenue, Murray, UT 84107. Representative: Marilyn McNeil (same address as applicant). *Iron and steel articles* from points in Los Angeles, Orange, Riverside, San Bernardino, and Contra Costa Counties, CA, to points in UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cottonwood Steel, 1235 So. 2350 West, Salt Lake City, UT; Steelco, 162 No. 400 West, Salt Lake City, UT 84110. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 133604 (Sub-8TA), filed July 17, 1979. Applicant: LYNN TRANSPORTATION COMPANY, INC., 712 South 11th Street, Oskaloosa, IA 52577. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Meat, meat products, meat by-products, and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the*

report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Geo. A. Hormel & Co. at Ft. Dodge, IA to all points in Alabama and Louisiana, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Geo. A. Hormel & Co., P.O. Box 800, Austin, MN 55912. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 133805 (Sub-31TA), filed July 5, 1979. Applicant: LONE STAR CARRIERS, INC., Rt. 1, Box 48, Tolar, TX 76476. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. *Meats, meat products, meat by-products and articles distributed by meat packinghouses, as described in Sections A, B and C of Appendix I to the report in Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Hereford, TX, to points in NC, GA, FL, MD, AL, SC, TN, MS, and RI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour Fresh Meat Company, 111 W. Clarendon, Greyhound Tower, Phoenix, AZ 85077. Send protests to: Martha A. Powell, T/A, I.C.C., Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 134234 (Sub-22TA), filed July 18, 1979. Applicant: KUHNLE BROTHERS, INC., P.O. Box 375, Newbury, OH 44065. Representative: Kenneth T. Johnson and Ronald W. Malin, Bankers Trust Bldg., Jamestown, NY 14701. *Construction drainage systems and parts and components therefor*, from the plant site of Aco Drain, Inc., located at or near Chardon, OH to points in the states of LA, AR, IA, MN, TX, ND, SD, NE, KS, OK, NM, CO, WY, ID, UT, AZ, CA, NV, OR, and WA, for 180 days. Supporting shipper(s): Aco Drain, Inc., 29525 Chagrin Blvd., Cleveland, OH 44122. Send protests to: D/S, ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 135385 (Sub-6TA), filed June 21, 1979. Applicant: J. C. BANGERTER & SONS, INC., 1265 North Main Street, Bountiful, UT 84010. Representative: Harry D. Pugsley, Attorney, 1283 East South Temple #501, Salt Lake City, UT 84102. *Contract Carrier: Irregular routes: Such merchandise as is dealt in by wholesale, retail and chain grocers* from the facilities and warehouses of Smith's Management Corporation at Layton, UT and its division, Intermountain Souralls at Salt Lake City, UT to points in TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Smith's Management Corporation, 1550 So. Redwood Rd., Salt Lake City, UT.

Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 136384 (Sub-19TA), filed July 11, 1979. Applicant: PALMER MOTOR EXPRESS, INC., P.O. Box 103, Savannah, GA 31402. Representative: W. W. Palmer, Jr. (same address as applicant). *Drugs, medicines, and such commodities as are dealt in by wholesale and retail food chains, cosmetic dealers, drugstores, hospitals, discount variety stores, and grocery chains*, from facilities utilized by Bristol-Myers, Inc., in Atlanta, GA to points in Florida, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bristol-Myers Company, 5626 Fulton Industrial Boulevard, Atlanta, GA 30336. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 136644 (Sub-10TA), filed July 12, 1979. Applicant: WESTERN DRYWALL TRANSPORT, INC. d.b.a. WESTERN DIRECT TRANSPORT, 2001 Broadway, Vallejo, CA 94590. Representative: R. D. Davis (same address as applicant). Phone (707) 552-8777. *Contract carrier, irregular routes: Gypsum Wallboard and materials used in the installation and application of Gypsum Wallboard*, from the plant site of Gold Bond Building Products division of National Gypsum Company at or near Phoenix, AZ to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gold Bond Building Products Division of National Gypsum Company, P.O. Box 1888, Long Beach, CA 90801. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 138104 (Sub-80TA), filed July 16, 1979. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove Street, Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. *Trailers and trailer chassis, other than those designed to be drawn by passenger automobiles, in initial movements, cargo containers, and truck bodies*, from the facilities of Pullman Trailmobile, Division of Pullman, Inc., Longview, TX, to points in AL, AR, CO, DE, FL, GA, IA, IL, IN, KS, KY, LA, MD, MI, MN, MO, MS, NE, NC, NJ, NY, OH, OK, PA, RI, SC, SD, TN, VA, WV, WI, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pullman Trailmobile-Division of Pullman, Inc., 200 E. Randolph Dr., Chicago, IL 60601. Send protests to: Martha A. Powell, T/A, I.C.C., Room 9A27, Federal Bldg., 819 Taylor Street, Fort Worth, TX 76102.

MC 138575 (Sub-11TA), filed July 12, 1979. Applicant: GWINNER OIL CO., INC., P.O. Box 38, Gwinner, ND 58040. Representative: William J. Gambucci, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58107. *Contract carrier; irregular routes: (1) Agricultural, industrial and construction machinery, and parts and attachments therefor, from the facilities of Clark Equipment Co., Melroe Division at or near Gwinner, ND, to points in CA, MD, NV, PA, SD, UT and WY; and (2) Materials, parts and supplies used in the manufacture of the commodities named in (1) above from points in CA, IA, IL, IN, MD, MI (except the port of entry of Sault Sainte Marie, MI), MN, OH, OR, PA, SD, UT, WA and WI to the facilities of Clark Equipment Co., Melroe Division, at or near Gwinner, ND, restricted to a transportation service under a continuing contract or contracts with Clark Equipment Co., Melroe Division, Gwinner, ND, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Clark Equipment Co., Melroe Division, Gwinner, ND 58040. Send protests to: H. E. Farsdale, DS, ICC, Bureau of Operations, Room 268, Fed. Bldg. and U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.*

MC 138875 (Sub-215TA), filed June 21, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same address as above). *Such products as are dealt in by tile, floor, ceiling, wall and counter covering distributors, except commodities in bulk, from Salem, NJ to Spokane, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Inland NW Dist. Co., Box 2964, Spokane, WA 99202. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83702.*

MC 138875 (Sub-216TA), filed June 21, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same address as above). *Frozen foods and potato products other than frozen, except commodities in bulk, from points in Ada, Canyon, Cassia and Payette Counties, ID and Malheur County, OR to points in AZ, for 180 days. An underlying ETA seeks 90 day authority. Supporting shipper(s): Ore-Ida Foods, Inc., P.O. Box 10, Boise, ID 83707. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83702.*

MC 138875 (Sub-217TA), filed June 21, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same address as above). *(1)*

Chemicals and (2) prepared food and beverage mixes in containers, except commodities in bulk, from (1) Clinton, IA to points in CA, OR and WA; (2) Gallipolis Ferry, WV, to Grand Junction, CO; and (3) Wilmington, CA to Lovell, KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Foremost-McKesson, Inc., Crocker Plaza, One Post Street, San Francisco, CA 94104. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83702.

MC 138875 (Sub-224TA), filed July 18, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same address as above). *Wallboard, from Heath, MT to points in ID, OR and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): U.S. Gypsum Company, 525 S. Virgil Ave., Los Angeles, CA 90020. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83702.*

MC 139495 (Sub-476TA), filed July 10, 1979. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. *Paper and paper products, from West Point, VA to points in DE, MD, PA, NY, NJ, CT, MA, RI, NH, VT, ME, MI, OH, IN, IL, IA, KY, TN, MO, KS, AR, OK, TX, WI and MN (restricted to traffic originating at and designated to), for 180 days, common, irregular. Supporting shipper(s): The Chesapeake Corp. of VA, P.O. Box 311, West Point, VA 23181. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.*

MC 139504 (Sub-4TA), filed June 15, 1979. Applicant: SHEA/RUSTIN TRANSPORT CO., P.O. Box 93567, Martech Sta., Atlanta, GA 30318. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. *Contract carrier; irregular routes: (1) tempered flat glass from the facilities of Temp Glass Eastern at or near Norcross, GA to points in FL, GA, SC, NC, AL, KY, VA, TN, AR, TX, MO, MI, OH, MS, LA and NY, (2) materials, equipment and supplies used in the manufacture, distribution and sale of tempered flat glass (except in bulk), from points in PA, MO, TX, NC, OH, TN, OK and MI to the facilities of Temp Glass Eastern at or near Norcross, GA, restricted to the transportation performed under a continuing contract or contracts with Temp Glass Eastern of Norcross, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Temp Glass Eastern, P.O. Box 928, Blue*

Ridge Industrial Park, Norcross, GA 30091. Send protests to: T/A Sara K. Davis, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 139934 (Sub-5TA), filed July 12, 1979. Applicant: ALL SOUTHERN TRUCKING, INC., 1909 East Hemlock Ave., P.O. Box 2698, Tampa, FL 33601. Representative: Anthony T. Maniaci (same address as applicant). *General commodities (except commodities of unusual value, Class A & B explosives, household goods, and commodities requiring special equipment) in containers or trailers and empty containers and trailers having an immediately prior or subsequent movement by water between Savannah, GA, on the one hand, and points in GA and FL, on the other hand; and between Jacksonville and Miami, FL, on the one hand, and points in FL, on the other hand for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are five supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Donna M. Jones, T/A, ICC—BOP, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33186*

MC 140024 (Sub-155TA), filed July 16, 1979. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Ave., Commerce City, CO 80022. Representative: Don Bryce (same address as applicant). *Fresh meats from Cactus, TX to points in NJ and NY for 180 days. Underlying ETA filed seeking 30 days only. Supporting shipper(s): Swift and Company, 115 W. Jackson Blvd., Chicago, IL 60604. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.*

MC 140104 (Sub-10TA), filed June 11, 1979. Applicant: TOLEDO FREIGHT LINES, INC., 4060 Fitch Rd., Toledo, OH 43613. Representative: Jerry B. Sellman, 50 Broad St., Columbus, OH 43215. *Contract carrier; irregular routes: Such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses, except commodities in bulk, from Indianapolis, IN to points in AR, CA, GA, IL, IN, KY, MI, MO, OH, PA on and west of US Hwy 219, TN, TX, VA and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Kroger Co., 1014 Vine St., Cincinnati, OH 45202. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.*

MC 140334 (Sub-2TA), filed July 16, 1979. Applicant: AM-CAN TRANSPORT SERVICE, INC., P.O. Box 859, Anderson, SC 29621. Representative: John T. Wirth, 717 17th Street, Suite 2600, Denver, CO

80202. *Contract carrier; irregular routes; Tires, and materials, equipment, and supplies used in the manufacture, distribution and production of tires (except commodities in bulk, in tank vehicles).* (1) Between the Dothan, AL commercial zone on the one hand, and, on the other, Spartanburg, Greenville, Sandy Springs and Charleston, SC; Atlanta, GA; Jacksonville, FL and Ports of Entry on the United States-Canada Boundary Line located in ME; (2) Between the Spartanburg, SC commercial zone on the one hand, and, on the other, Ports of Entry on the United States-Canada Boundary Line located in Maine. RESTRICTIONS: (1) Restricted to the transportation of traffic originating at or destined to the facilities of Michelin Tire Corporation. (2) Restricted to a transportation service to be performed under a continuing contract, or contracts with Michelin Tire Corporation of New York, NY. Supporting shipper(s): Michelin Tire Corporation, P.O. Box 2846, Greenville, SC 29602. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens St., Columbia, SC 29201.

MC 140484 (Sub-50TA), filed July 16, 1979. Applicant: LESTER COGGINS TRUCKING, INC., 2671 E. Edison Ave., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant). *Computing scales (except commodities which because of size or weight requires heavy and specialized equipment) from the facilities of Reliance Electric Company at or near Columbus and Worthington, OH to Charlotte, NC and Spartanburg, SC for 180 days.* Supporting shipper(s): Reliance Electric Company, 220 Eastview Dr., Brooklyn Heights, OH 44131. Send protests to: Donna M. Jones, T/A, ICC—BOP, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 140744 (Sub-14TA), filed July 18, 1979. Applicant: ARCTIC AIR TRANSPORT, INC., 103 N. Eau Claire St., Mondovi, WI 54755. Representative: Stanley Olsen, Jr., 4601 Excelsior Blvd., Minneapolis, MN 55416. *Meat, meat products, meat by-products and articles distributed by meat packinghouses (except hides) and frozen prepared foods, between Eau Claire, WI on the one hand, and on the other, points in the Chicago, IL, Commercial Zone, for 180 days.* Supporting shipper(s): Armour & Company, 313 N. Hastings Way, Eau Claire, WI 54701. Send protests to: Judy Olson, TA, ICC, 414 Federal Bldg., 110 S. 4th St., Minneapolis, MN 55401.

MC 140755 (Sub-66TA), filed July 13, 1979. Applicant: BRAY TRANSPORTS, INC., 1401 N. Little Street, P.O. Box 270,

Cushing, OK 74023. Representative: Dudley G. Sherrill (same address as applicant). *Liquid sugar and blends of liquid sugar and corn syrup, in bulk, in tank vehicles, from Muncie, KS, to points in OK, for 180 days.* An underlying ETA seeks 90 days authority. Supporting shipper(s): The Amalgamated Sugar Company, P.O. Box 1520, Ogden, UT 84402. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 140484 (Sub-49TA), filed July 18, 1979. Applicant: LESTER COGGINS TRUCKING, INC., 2671 E. Edison Ave., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant). (1) *Malt beverages (except in bulk in tank vehicles) and related advertising materials, from the facilities of Miller Brewing Company at or near Albany, GA to points in AL, FL, NC, and SC;* (2) *Empty bottles, cans, cases, and cartons, from points in IN, OH, PA, NJ, and NY to the facilities of Miller Brewing Company at or near Albany, GA for 180 days.* Supporting shipper(s): Miller Brewing Company, 3939 West Highland Blvd., Milwaukee, WI 53208. Send protests to: Donna M. Jones, T/A, ICC—BOP, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 141054 (Sub-6TA), filed July 19, 1979. Applicant: B & B PACKING TRANSPORT, LTD., 2608 South 24th Street, Council Bluffs, Iowa 51501. Representative: J. Michael May, Suite 508, 1447 Peachtree Street, N.E., Atlanta, Georgia 30309. *Contract carrier, over irregular routes: Meat and Packinghouse products from the facilities of Iowa Beef Processors, Inc. at or near Denison, Fort Dodge and Sioux City, IA; Dakota City and West Point, NE; and Luverne, MN to points in AL, FL, IL, IN, MD, ME, MI, MN, NY, OH, PA, SC, SD and WI for 180 days.* An underlying ETA seeks 90 days authority. Supporting shipper(s): Iowa Beef Processors, Inc., Dakota City, NE 68731. Send protests to: D/S Carroll Russel, Suite 620, ICC, 110 North 14th St., Omaha, NE 68102.

MC 141124 (Sub-46TA), filed May 10, 1979. Applicant: EVANGELIST COMMERCIAL CORPORATION, P.O. Box 15000, Wilmington, DE 19850. Representative: Muldoon, Pemberton & Ferris, 50 W. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers or converters of paper and paper products, except in bulk, between Coston, MA, on the one hand, and on the other, points in the United States (except AK and HI) for 180 days.* An underlying ETA seeks 90 days authority. Supporting shipper(s): Diamond International, 733 Third Ave.,

New York, NY 10017. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 141804 (Sub-254TA), filed July 13, 1979. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). *Cleaning compounds, soaps, bleaches, and washing detergents (except in bulk), from Edgewater, Lynhurst and Patterson, NJ, to Los Angeles County, CA, for 180 days.* Restricted to traffic originating at the facilities of Pariser Industries. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Pariser Industries, 1010 Clifton Avenue, Clifton, NJ 07013. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 141804 (Sub-255TA), filed July 17, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffmann (same address as applicant). *Hand tools, drill presses, vises bench grinders (except commodities which because of their size and weight require special equipment), from the facilities of Allied Wholesale, Inc., in Van Nuys, CA to all points in and east of ND, SD, NE, KS, OK, and TX, for 180 days.* An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Allied Wholesale, Inc., d.b.a. Allied International, 15071 Keswick Street, Van Nuys, CA 91405. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 141804 (Sub-256TA), filed July 20, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffmann (same address as applicant). *Bakery products, from Nabisco Distribution Centers, Chicago, IL, to destinations in the states of CA, OR, WA, AZ, and NV, for 180 days.* An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Nabisco Inc., East Hanover, NJ 07936. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 141804 (Sub-257TA), filed July 13, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffmann (same address as applicant). *Glass and glass products, from the facilities of PPG Industries, Inc., located at or near South Greensburg, PA, to WA, OR, CA, AZ, NV, WY, UT, MT, ID, NM, and CO, for 180 days.* An underlying ETA seeks up to 90 days operating authority.

Supporting shipper(s): PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 141804 (Sub-258TA), filed July 13, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffmann (same address as applicant). *Foodstuffs, materials, equipment and supplies used in the manufacture of foodstuffs*, between the plantsite of Douglas Foods, Inc., at or near Douglas, GA, on the one hand, and, on the other, points in the U.S. in and west of ND, SD, NE, KS, OK, and TX (except AK and HI), for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Douglas Foods, Inc., P.O. Box 1208, Douglas, GA 31533. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 141945 (Sub-1TA), filed July 17, 1979. Applicant: LOWER FULTONVILLE TRUCKING COMPANY, INC., 120 Ashford Street Allston, MA 02134. Representative: Robert Rothberg, Choate, Hall & Stewart, 60 State Street, Boston, MA 02109. *Contract carrier; irregular routes; malt beverages, in containers from Radisson (Syracuse), NY to Lynn, Haverhill & Shirley, MA.* For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s) Bay State Beverages, Inc., 189 Alley Street, Lynn, MA 01905. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

MC 142215 (Sub-1TA), filed May 25, 1979. Applicant: DUKE TRANSPORTATION, INC., 1106 N. University, Lafayette, LA 70506. Representative: Justin P. Duke (same address as applicant). Applicant is seeking authority to operate as a *common carrier over irregular routes transporting oilfield equipment and supplies pursuant to the Mercer description between points in LA, TX, and MS on the one hand, and on the other, points in the above named states, for 180 days.* Applicant has filed an underlying ETA for 90 days. Supporting shipper(s): Power Rig Drilling Co., Inc., 503 Pinhook St., P.O. Box 52808, Lafayette, LA 70505. Send Protests to: Robert J. Kirspel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 142464 (Sub-6TA), filed May 4, 1979. Applicant: JOHN M. CHRISTOPHER, 3444 McCarty Lane, Lafayette, IN 47905. Representative: Brent E. Clary, 68 Lafayette Bank and Trust Bldg., Lafayette, IN 47902.

Contract carrier; irregular routes; iron and steel articles, between points in IN, IL, that portion of St. Louis Commerical Zone which is in MO, KY, MI, except the upper peninsula and OH, for 180 days. Under contract with Midwest Division of National Steel Corporation at Portage, IN. Supporting shipper: Midwest Division of National Steel Corporation, P.O. Box 1, Portage, IN 46368. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 142545 (Sub-3TA), filed May 17, 1979. Applicant: DICK TAZER TRUCKING, INC., 1635 N. W. Mall, Issaquah, WA 98027. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055. *Contract carrier; irregular routes; shortening*, from Vernon, CA to points in OR and WA for the account of Continental Commodities, Inc., for 180 days. Supporting shipper(s): Continental Commodities, Inc., 2750 Jewel Ave., Vernon, CA 90058. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 142715 (Sub-60TA), filed July 5, 1979. Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). *Fresh and frozen meat (except commodities in bulk from south St. Paul, MN to New York, NY and points in its commercial zone, Cohoes, NY and Philadelphia, PA and points in its commercial zone, for 180 days.* An underlying ETA seeks 90 days authority. Supporting shipper(s): Sunstar foods, Inc., Beef Division, 425 South Concord Street, St. Paul, MN 55075. Send protests to: District Supervisor, ICC, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

MC 142715 (Sub-61TA), filed July 3, 1979. Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick (same as applicant). *Foodstuffs (except commodities in bulk, from Beloit, WI, to Austin MN, for 180 days. Restricted to traffic originating at Beloit, WI, and destined to Austin, MN. An underlying ETA seeks 90 days authority.* Supporting shipper(s): George A. Hormel and Company, Supervisor, Motor Carrier Services, P.O. Box 800, Austin MN 55912. Send protests to: District Supervisor, ICC, 414 Federal Building, and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

MC 142715 (Sub-65TA), filed July 10, 1979. Applicant: LENERTZ INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). *Meat, meat products, meat by-products, articles*

distributed by meat packinghouses (except hides and commodities in bulk) and materials and supplies used by meat packers in the conduct of their business (except commodities in bulk) from Postville, Cherokee, Storm Lake and Sioux City, IA and Omaha, NE to points in the U.S. in and east of WI, IL, KY, TN and AL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hygrade Food Products Corporation, P.O. Box 4771, Detroit, MI 48219. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

MC 142864 (Sub-22TA), filed July 9, 1979. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501, Massillon, OH 44646. Representative: Jerry B. Sellman, 50 West Broad St., Columbus, OH 43215. *Foodstuffs, (except in bulk) in vehicles equipped with mechanical refrigeration*, from the facilities of Kraft, Inc. at Allentown, PA to points in OH and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kraft, Inc., 500 Peshtigo Court, Chicago, IL 60690. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 142965 (Sub-3TA), filed April 5, 1979. Applicant: R. C. CORPORATION, 100 California Avenue, Reno, NV 89509. Representative: Reese H. Taylor, Esq., 402 North Division Street, Carson City, NV 89701. *Contract carrier; irregular routes; beer, wine, alcoholic beverages and related items from points in Los Angeles, San Francisco, San Mateo, Napa, Sonoma, San Joaquin, Fresno, and Alameda Counties, CA to Reno, N, and rejected or returned shipments from Reno, NV to the above-listed counties in the state of CA for the account of Lucie & Son, Inc., for 180 days.* Supporting shipper(s): Luce & Son, Inc., 670 E. 6th Street, Reno, NV 89502. Send protests to: W. J. Huetig, DS, ICC, 203 Federal Bldg., 705 N. Plaza St., Carson City, NV 89701.

MC 143154 (Sub-6TA), filed July 11, 1979. Applicant: ARTHUR E. PAMIN, JR. and STEVEN V. BIDLAK d.b.a., A & S TRUCKING, 1408 Lakeside Drive, Lolo, MT 59847. Representative: Charles A. Murray, Jr., 207 Behner Bldg., 2822 Third Ave. North, Billings, MT 59101. *Malt beverages, in containers, from points in OR to points in WA, ID, NV, CA, AZ, UT, CO, WY, MT, NM and those points in OR requiring a movement across Washington State line, for 180 days.* An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 10 supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests

to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 143374 (Sub-4TA), filed July 5, 1979. Applicant: DENNIS J. DURBIN, d.b.a. DURBIN TRANSPORT, 12400 Goodhill Rd., Wheaton, MD 20906. Representative: H. Neil Garson, 3251 Old Lee Hwy., Suite 400, Fairfax, VA 22030. *Contract carrier; irregular routes; brick, firebrick, flue lining, from Waynesboro, Midvale and Malvern, OH to points in Anne Arundel, Baltimore, Frederick, Howard, Montgomery and Prince George Counties, MD and Fauquier, Loudoun, Prince William, Stafford, Arlington, and Fairfax Counties, VA and Washington, DC for 190 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Masonry Materials & Services, Inc., 13119 Collinswood Ter., Silver Spring, MD. Thomas W. Perry, Inc., 8519 Conn. Ave., Chevy Chase, MD. L. C. Smith, Inc., 5920 Farrington Ave., Alexandria, VA 22304. United Materials & Ser. Inc., 129 Park St., NE., Vienna, VA 22180. Entwistle's Conc. Block, Inc., 3709 Forestville, Rd., Forestville, MD. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.*

MC 143374 (Sub-5TA), filed July 5, 1979. Applicant: DENNIS J. DURBIN, d.b.a. DURBIN TRANSPORT, 12400 Goodhill Rd., Wheaton, MD 20906. Representative: H. Neil Garson, 3251 Old Lee Hwy., Suite 400, Fairfax, VA 22030. *Contract carrier; irregular routes; bricks, from Gary Ferry Brick Co., at Franklinville, NJ to points in Montgomery, Prince Georges, Queen Annes, Calvert, Frederick, Anna Arundel, Baltimore Counties, MD; Arlington, Fairfax, Fauquier, Loudoun, Prince William Counties, VA; and Washington, DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Masonry Materials & Service, Inc., 13119 Collingwood Terrace, Silver Spring, MD 20904. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.*

MC 143995 (Sub-20TA), filed June 22, 1979. Applicant: SLOAN TRANSPORTATION, INC., 6522 W. River Dr., Davenport, IA 52802. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Contract authority—Such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses (except commodities in bulk), from Davenport, IA to points in the St. Louis, MO commercial zone, under continuing contract(s) with Ralston Purina Company for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ralston Purina Company,*

Checkerboard Square, St. Louis, MO 63188. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 144315 (Sub-4TA), filed May 22, 1979. Applicant: PORT CITY LEASING, INC., 602 20th Street N., Lewiston, ID 83501. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009. *Lumber and lumber products, from points in Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis and Nez Perce, Counties, IA and Asotin, Spokane and Stevens Counties, WA to points in MN, MT, NE, ND, SD, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Clearwater Forest Industries, P.O. Box 96, Kooskia, ID 83539; Giddings Lumber Company, Inc., P.O. Box 16363, Denver, CO 80216; Bennett Lumber Products, P.O. Box 49, Princeton, ID 83857; Del Daley Forest Products, P.O. Box 2346, Portland, OR 97223. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Bldg., Seattle, WA 98174.*

MC 144484 (Sub-6TA), filed June 27, 1979. Applicant: FREIGHTWAYS, INC., 438 East 2nd Street, Eldon, MO 65026. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. (1) Electric motors, (2) electric motors with blowers, (3) materials and supplies (except commodities in bulk) used in the manufacture and distribution of the commodities in (1) and (2), and (4) iron and steel articles, between Eldon, MO, on the one hand, and, on the other, points in AL, AR, GA, IL, IA, IN, KS, MI, MS, NE, NY, OH, OK, PA, TN, TX and WI, for 180 days. Supporting shipper(s): Fasco Industries, Inc., 1600 West Jackson, Ozark, MO 65721. Send protests to: John V. Barry, D/S, Interstate Commerce Commission, Room 600 Federal Bldg., 911 Walnut Street, Kansas City, MO 64106.

MC 144884 (Sub-4TA), filed May 23, 1979. Applicant: ARTHUR E. JOHNSTON AND MICHAEL A. JOHNSTON, d.b.a. JOHNSTON TRUCKING, P.O. Box 325, Spearfish, SD 57783. Representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, SD 57701. *Iron and steel articles from the facilities of Jones & Laughlin Steel Corp. at Youngstown, OH to points in CO, ID, IA, MN, ND, SD, UT, and WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jones & Laughlin Steel Corp., Room 121, 1600 W. Carson St., Pittsburgh, PA 15263. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.*

MC 145005 (Sub-3TA), filed May 31, 1979. Applicant: U & I INCORPORATED d.b.a. U & I INCORPORATED

TRUCKING DIVISION, 709 East South Temple, P.O. Box 2010, Salt Lake City, UT 84110. Representative: Floyd W. Johnson (same address as applicant). *Contract carrier: Irregular routes: Items manufactured and/or processed by Gourmet Food Products, Inc., and items and supplies used in the operation, expansion and repair of its facilities; and potatoes, between points in OR and WA. Supporting shipper(s): Gourmet Food Products, Inc., P.O. Box 2365, Pasco, WA 99301. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.*

MC 145054 (Sub-24TA), filed July 11, 1979. Applicant: COORS TRANSPORTATION COMPANY, 5101 York Street, Denver, CO 80216. Representative: David E. Driggers, 1660 Lincoln Street, Denver, CO 80264. *Foodstuffs and materials and supplies used in the sale and distribution thereof, from Houston, TX to (1) Albuquerque, NM and (2) Denver and Colorado Springs, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Nabisco, Inc.—Biscuit Division, East Hanover, NJ 07936. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.*

MC 145054 (Sub-25TA), filed July 19, 1979. Applicant: COORS TRANSPORTATION COMPANY, 5101 York Street, Denver, CO 80216. Representative: David E. Driggers, 1660 Lincoln Street, Denver, CO 80264. *Chilled juices, from Anaheim, CA to Denver and Grand Junction, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Doric Foods Corporation, Division of Coca-Cola, P.O. Box 986, Robie Avenue, Mt. Dora, FL 32757. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.*

MC 145054 (Sub-26TA), filed June 27, 1979. Applicant: COORS TRANSPORTATION COMPANY, 5101 York Street, Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln Street, Denver, CO 80264. *Foodstuffs and pet food, from the facilities of Carnation Company at Elwood, KS and St. Joseph, MO to points in the State of CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Carnation Company, 5045 Wilshire Blvd., Los Angeles, CA 90036. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.*

MC 145054 (Sub-27TA), filed June 25, 1979. Applicant: COORS TRANSPORTATION COMPANY, 5101 York Street, Denver, CO 80216. Representative: Leslie R. Kehl, 1660

Lincoln Street, Denver, CO 80264. *Foodstuffs* (except in bulk) from the facilities of Sunmark, Inc. located at St. Louis, MO to Kansas City, KS, Lincoln and Omaha, NE and points in CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Sunmark Companies, 10795 Watson Rd., St. Louis, MO 63127. Send protests to: H. Ruoff, 492 New Customs House, Denver, CO 80202.

MC 145224 (Sub-3TA), filed April 12, 1979. Applicant: ALL-CAL TOURS, INC., 3638 Primrose Avenue, Santa Rosa, CA 95401. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. Telephone (415) 986-8696. *Passengers and their baggage, in the same vehicle with passengers, in charter operations*, beginning and ending at points in Placer, Sacramento and Yolo Counties, CA, and extending to points in Douglas and Washoe Counties, NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Nationwide Travel, 5311 Elkhorn Blvd, Sacramento, CA 95842; Bestway Travel, 8917 Greenback Lane, Orangevale, CA 95662. Send protests to: A. J. Rodriguez, DS, ICC, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 145224 (Sub-4TA), filed April 24, 1979. Applicant: ALL-CAL TOURS, INC., 3638 Primrose Ave., Santa Rosa, CA 95401. Representative: E. M. Johnson, Attorney at Law, 650 California St., Rm 2808, San Francisco, CA 94108. Telephone 415-986-8696. 180 days temporary authority, as common carrier by motor vehicle, over irregular routes, transport passengers and their baggage, in the same vehicle with passengers, in charter operations. Beginning and ending at Gridley, CA., and points in El Dorado, Nevada, Sutter and Yuba counties, CA, and extending to points in Douglas and Washoe counties, NV. Supporting shipper(s): Nationwide Travel, 5311 Elkhorn Blvd., Sacramento, CA 95842. Send protests to: A. J. Rodriguez, I.C.C. 211 Main St., suite 500, San Francisco, CA 94105.

MC 145224 (Sub-5TA), Filed June 21, 1979. Applicant: ALL-CAL TOURS, INC., 1415 Sebastopol Road, Santa Rosa, CA 95401. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. Phone (415) 986-8696. *Passengers and their baggage, in the same vehicle with passengers, in charter operations*, beginning and ending at points in Lake and Mendocino counties, CA, and extending to points in Douglas and Washoe counties, NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): After "40" Fun

Club, 328 Jones, Ukiah, CA 95482. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 145224 (Sub-6TA), filed June 29, 1979. Applicant: ALL-CAL TOURS, INC., 1415 Sebastopol Road, Santa Rosa, CA 95401. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. Phone: (415) 986-8696. *Passengers and their baggage, in the same vehicle with passengers, in special operations*, beginning and ending at points in Sacramento County, CA and extending to points in Douglas and Washoe Counties, NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mark Hoffman d.b.a. Sports Travel, 1257 Fulton Ave., #38, Sacramento, CA 95825. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 145375 (Sub-4TA), filed July 16, 1979. Applicant: H. D. EDGAR TRUCKING COMPANY, INC., Route 1, Box 48, Opp, AL 36467. Representative: Chester A. Zyblut, 366 Executive Building, 1030 15th Street NW., Washington, DC 20005. *Foodstuffs and materials, supplies and equipment used in the manufacture and distribution of foodstuffs* (except in bulk) between Douglas, GA on the one hand and on the other, points in TX, NM, AZ, CA, NV, UT, WA, OR, MT, ID, CO, OK, KS, NE, MO, IL, IN, MI, and OH, for 180 days. Supporting shipper(s): Douglas Foods Inc., P.O. Box 1208, Douglas, GA 31533. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 145664 (Sub-8TA), filed June 15, 1979. Applicant: STALBERGER, INC., 223 South 50th Avenue West, Duluth, MN 55806. Representative: Robert L. Kalenda, Hall, Byers, Hanson, Steil & Weinberger, 921 First Street North, St. Cloud, MN 56301. *Building material and cement pipe containing asbestos fibre and insulation board* from the plantsite of Johns Manville Sales Corp. at or near Waukegan, IL and from the plantsite of Johns Manville Perlite Corp. at or near Rockdale, IL to points in ND and SD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Johns-Manville Sales Corp., 2222 Kensington Court, Oak Brook, IL 60521. Send protests to: District Supervisor, ICC, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

MC 145474 (Sub-1TA), filed July 20, 1979. Applicant: STAR SYSTEMS, INC., 12302 E. Wardman Street, Whittier, CA 90602. Representative: Miles L. Kavaller,

Mandel & Kavaller, 315 So. Beverly Drive, Suite 315, Beverly Hills, CA 90212. *Contract; irregular; vinyl and film sheeting*, from Lodi and Jamesburg, NJ and Everett, WA to Phoenix, AZ; Dallas, TX; and to the facilities of Goss Plastic Film Corporation in Los Angeles, CA, for 180 days. Supporting shipper(s): Goss Plastic Film Corporation, 107 W. 132nd Street, Los Angeles, CA 90061. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 145715 (Sub-3TA), filed April 26, 1979. Applicant: BELL TRUCKING, INC., 2504 Industrial Park Road, Van Buren, AR 72956. Representative: Elaine M. Conway, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. 1. *Meats, meat products, meat by-products and articles* distributed by meat packing houses, (except hides and commodities in bulk), from the facilities of Land O'Frost, Inc. at or near Searcy, AR, to points in AZ, CA and CO; and 2. (a) *Plastic film*; (b) *food processing machinery, and parts and attachments therefor*, and (c) *meats and meat products* (except hides and commodities in bulk), when moving in mixed truckloads with the commodities described in (a) and (b) above, between the facilities of Land O'Frost, Inc. at or near Lansing, IL and Hammond, IN on the one hand, and on the other hand the facilities of Land O'Frost, Inc. at or near Searcy, AR, for 180 days as a common carrier over irregular routes. Supporting shipper(s): Land O'Frost, Inc., 16850 Chicago Avenue, Lansing, IL 60438. Send protests to: William H. Land, Jr., D/S, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145904 (Sub-13TA), filed July 16, 1979. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704. Representative: Jack H. Blanshan, 205 West Touhy Avenue, Park Ridge, IL 60068. *Meats, meat products, meat by-products, and articles* distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions of Motor Carrier certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of Wilson Foods Corp. located at (1) Cedar Rapids, IA, and points in its commercial zone, to points in KS, MO, and NE (2) Marshall, MO and points in its commercial zone, to points in IL and (3) Omaha, NE, and points in its commercial zone, to points in IL and IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wilson Foods Corporation, 4545 Lincoln Blvd., Oklahoma City, OK 73105. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 145914 (Sub-2TA), filed July 18, 1979. Applicant: COASTAL TRUCK LINE, INC., How Lane, New Brunswick, NJ 08903. Representative: Herbert Burstein, Esq., One World Trade Center, New York, NY 10048. *Contract carrier*, irregular routes for 180 days. *Metal containers* from the facilities of Reynolds Metals Company at or near Woodbridge and Carteret, NJ to the facilities of Miller Brewing Co. at or near South Volney, NY. Supporting shipper(s): Reynolds Metals Company, P.O. Box 27003, Richmond, VA 23261. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 145935 (Sub-3TA), filed July 9, 1979. Applicant: ALL STATES TRANSPORTATION, INC., Rt. 1, Box 27, Fort Worth, TX 76179. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A, B and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of Swift & Company at or near Clovis NM; Guymon, OK; and Cactus, TX, to points in AL, FL, GA, NC, SC, and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Swift & Company, 115 W. Jackson Blvd., Chicago, IL 60604. Send protests to: Martha A. Powell, T/A, ICC, Room 9A27, Federal Bldg., 819 Taylor Street, Fort Worth, TX 76102.

MC 146055 (Sub-3TA), filed July 12, 1979. Applicant: JOHN H. SCHUEMAN AND DENNY SCHUEMAN, d.b.a. DOUBLE "S" TRUCK LINE, 425 Livestock Exchange Building, Omaha, NE 68107. Representative: James F. Crosby, P.O. Box 37205, I-80 and Highway 50, Omaha, NE 68137. *Meats and packinghouse products* from Omaha, NE to points in CA, FL, GA, KS, LA, MD, MA, MI, MO, NH, NJ, NY, OH, OK and PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Union Packing Company of Omaha, 4501 South 37th Street, Omaha, NE 68107. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 145974 (Sub-4TA), filed July 12, 1979. Applicant: HIDATCO, INC., P.O. Box 356, New Town, ND 58763. Representative: Richard P. Anderson, 502 1st National Bank Bldg., Fargo, ND 58126. *Contract carrier*; irregular routes: *Lumber and wood products*, (1)(a) From North St. Paul, MN, to ND and SD, and (b) from WA, OR, ID, MT and CA to ND, SD and MN, under contract with Gibbs

Lumber Co., and (2) from WA, OR, ID, MT and CA to MN, under contract with Midwest Lumber Associates, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Midwest Lumber Associates, Inc., 6875 Washington Avenue South, Minneapolis, MN, 55435; Gibbs Lumber Co., 2631 University Avenue, St. Paul, MN 55114. Send protests to: H. E. Farsdale, DS, ICC, Bureau of Operations, Room 268 Fed. Bldg. and U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 146395 (Sub-3TA), filed July 11, 1979. Applicant: W. C. PITTS CONSTRUCTION CO., INC., Hwy 84W., P.O. Box 112, Waynesboro, MS 39637. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. *Contract carrier*; irregular routes: *Lumber, poles, piling, timbers, cross-ties and wood residuals* from the facilities of Longleaf Forest Products, Inc., at Waynesboro, MS to points in Texas, for the account of North Pacific Lumber Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): North Pacific Lumber Co., P.O. Box 3915, Portland, OR 97208. Send protests to: Alan C. Tarrant, D/S, ICC, Rm 212, 145 E. Amite Bldg., Jackson, MS 39201.

MC 146535 (Sub-1TA), filed April 2, 1979. Applicant: NEAR TRUCKING, INC., P.O. Box 53, Fort Bridger, WY 82933. Representative: James E. Phillips, Attorney at Law, Evanston, WY 82930. *Mine and mill supplies, equipment, materials and machinery*, between points in Salt Lake, Davis, Utah and Weber Counties, UT, and Unita, Lincoln, Sweetwater and Sublette Counties, WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are eight shippers. Their statements may be examined at the office listed below, or at Headquarters. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Rm. 105, Federal Bldg. and Court House, 111 South Wolcott, Casper, WY 82601.

MC 146774 (Sub-1TA), filed July 13, 1979. Applicant: ARTHUR F. COOPER, d.b.a. COOPER BOAT MOVING CO., 1664 W. 9th Street, Long Beach, CA 90813. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA. 90010. *Yachts, boats and component parts and equipment related to yachts and boats*, between points in CA, WA and OR, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Broad Avenue Boat Works, 543 North Broad Avenue, Wilmington, CA; Radovich Boat Works, Inc., 843 Watson Avenue, Wilmington, CA;

Yorktown Yachts, Inc., 701 Sanford Ave., Wilmington, CA. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 146704 (Sub-3TA), filed July 16, 1979. Applicant: FALCON MOTOR TRANSPORT, INC., 1250 Kelly Ave., Akron, OH 44316. Representative: Michael L. Moushey, 275 E. State St., Columbus, OH 43215. *Contract carrier*, irregular routes: *Such commodities as are dealt in and sold by do-it-yourself home centers and materials, equipment, and supplies used in the conduct of such business*, between Akron, Canton, Cleveland, Columbus, Hudson, Kent, Macedonia, and Mentor, OH, on the one hand, and, on the other, points in CT, MA, MD, NJ, NY, PA, RI, and WV, for 180 days, under continuing contract(s) with Forest City Products, Division of Forest City Enterprises, Inc. An underlying ETA seeks 90 days authority. Supporting shipper(s): Forest City Division of Forest City Enterprises, Inc., 10800 Brookpart Rd., Cleveland, OH 44130. Send protests to: D/S, ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 146804 (Sub-2TA), filed May 3, 1979. Applicant: ROYCE WRIGHT d.b.a. R. J. WRIGHT & SONS, RR 3, Box 259, Portland, IN 47371. Representative: Royce Wright (same address as applicant). *Fertilizer and fertilizer ingredients* to, from and between points in Indiana and Ohio for 180 days. Supporting shipper(s): Vistron Corporation, 314 Midland Bldg., Cleveland, OH 44115, Ridgeville Farms Service, 101 East 5th, Ridgeville, IN, and USS Agri-Chemical, Box 69, Saratoga, IN 47382. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Indianapolis, IN 46204.

MC 146854 (Sub-1TA), filed May 21, 1979. Applicant: MIDWESTERN AIR FREIGHT EXPRESS, INC., 5200 S. Yale, Tulsa, OK 74135. Representative: Fred Leatherland (same address as applicant). *General commodities*, air freight only, between Tulsa and Oklahoma City, OK and Dallas and Houston, TX and commercial zones thereof, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Arthur J. Fritz & Co., 1555 N. 107th E. Ave., Tulsa, OK 74116; Behring International, Inc., 1871 N. 106th E. Ave., Tulsa, OK 74116; Rea-Tan, Inc., 10544 E. Pine, Tulsa, OK 74116; Circle Airfreight Corp., P.O. Box 51084, Tulsa, OK 74151. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240, Old Post Office and Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 146855 (Sub-3TA), filed June 26, 1979. Applicant: JOEL WEHRMAN, Rt. 2, Box 2011, Selah, WA 98942. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055. *Contract, irregular, plastic packaging articles and materials and supplies used in the production of plastic packaging articles between points in UT on the one hand, and on the other, points in AR, CA, IA, ID, MT, OR, and WA restricted to the transportation of traffic originating at or destined to the facilities of Western Foam Pak, Inc., of Yakima, WA. Supporting shipper(s): Western Foam Pak, Inc., 1111 N. 20th Ave., Yakima, WA 98902. Send protests to: R. V. Dubay, D/S, ICC, 114 Pioneer Courthouse, Portland, Oregon 97204.*

MC 146874 (Sub-1TA), filed June 1, 1979. Applicant: PALWOOD TRANSPORTATION, INC., 4017 Sunnyside Rd., Woodstock, IL 60098. Representative: Robert H. Levy, 29 S. LaSalle St., Suite 740, Chicago, IL 60603. (1) *sand, gravel, limestone and limestone products, building materials and contractor's supplies, from points in WI to points in IL; (2) waste and scrap materials, between points in IL, IN, WI, MO, KY, MN, IA and OH for 180 days. An E.T.A. has been granted for 90 days. Supporting shipper(s): Eight Supporting Shippers. Send protests to: Dave Hunt, T/A, 219 S. Dearborn St., Room 1386, Chicago, IL 60604.*

MC 147105 (Sub-1TA), filed May 15, 1979. Applicant: GERSHMAN PRODUCE CO., LTD., 792 Campbell Street, Winnipeg, Manitoba, Canada R3N 1C6. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. (1) *Agricultural commodities, the transportation of which is otherwise exempt from economic regulation under Subtitle IV of 49 USC 10526 (formerly Section 203(b)(6) of the Interstate Commerce Act), when moving at the same time and in the same vehicle with the commodities named in (2) below, and (2) Boats, when moving at the same time and in the same vehicle with the commodities named in (1) above, from Little Rock, AR and Vivian, LA, to points on the International Boundary Line between the United States and Canada at points in MN and ND, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dufort Distributors Ltd., 15 Bannister Road, Winnipeg, MB, Canada R2R 0P2. Send protests to: Harold E. Farsdale, DS, ICC, Room 268, Fed. Bldg., 657 2nd Avenue North, Fargo, ND 58102.*

MC 147225 (Sub-1TA), filed July 9, 1979. Applicant: BOBBY RAYMOND TRUCKING, INC., 2202 W. McDowell Rd., Phoenix, AZ 85005. Representative:

Doug W. Sinclair (same address as applicant). *Foodstuffs, including candy, breakfast bars, and snack food items, from the facilities of the Sunmark Companies (1) from Itasca, IL and St. Louis, MO to points in the states of AZ, CA, CO, NM, NV, OR, TX, UT, WA, and (2) from Itasca, IL to St. Louis, Mo (See Exhibit III), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: The Sunmark Companies, 10795 Watson Rd., St. Louis, MO 63127. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025. Supporting shipper(s): The Sunmark Companies, 10795 Watson Rd., St. Louis, MO 63127. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.*

MC 147234 (Sub-1TA), filed July 9, 1979. Applicant: J & J TRUCKING CO., 2841 S. 8th St., Ironton, OH 45638. Representative: Stephen C. Fitch, 140 E. Town St., Columbus, OH 43215. *Contract-carrier; irregular routes: Bark, sawdust, woodchips, and residue, from Man and Kenova, WV to Chillicothe, OH, along West Virginia Route 10 to I-64 to U.S. 52 to U.S. 23 and return under continuing contract(s) with Hamer Lumber Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hamer Lumber Co., P.O. Box 418, Kenova, WV 25530. Send protests to: D/S ICC, 101 N. 7 St., Philadelphia, PA 19106.*

MC 147255 (Sub-1TA), filed June 20, 1979. Applicant: RAYMOND LOUIS WISEMAN AND LUCILLE WISEMAN, d.b.a. WISEMAN AUTO SALES, P.O. Box 349, Eldon, MO 65026. Representative: James M. Duckett, 927 Pyramid Life Bldg., Little Rock, AR 72201. *Used cars and trucks, by truck-away method, between all points in AR, MO, OK, TX, LA, GA, AL, MS, TN, KY, IN, IL, KS and FL, for 180 days. Supporting shipper(s): Supporting shippers' statements can be viewed in Washington, DC or in District Office. Send protests to: John V. Barry, D/S, Interstate Commerce Commission, Room 600 Federal Bldg., 911 Walnut Street, Kansas City, MO 64106.*

MC 147275 (Sub-1TA), filed May 14, 1979. Applicant: K W EXPRESS, INC., 6576 Belding Road. Representative: Edwin M. Snyder, Sullivan & Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. *New Electrical and gas appliances and materials, equipment and supplies used in the manufacturing of these products; between the facilities of White Consolidated Industries Inc. located at or near Belding, Greenville, and Grand Rapids, MI on the one hand and on the*

other, points in the states of OH, IN, IL, and KY. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Greenville Products Corporation, 635 West Charles Street, Greenville, MI 48838. Send protests to: C. R. Flemming, D/S ICC, 225 Federal Building, Lansing, MI 48933.

MC 147305 (Sub-1TA), filed June 25, 1979. Applicant: CAPITAL CITY COACH CO., INC., 1341 G Street, N.W., Washington, D.C. 20005. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Springs, MD 20910. *Passengers and their baggage in the same vehicle with passengers, in charter operations, beginning and ending at points in the DC commercial zone and extending to points in AL, CT, DE, FL, GA, IN, IL, KY, LA, MA, MD, ME, MI, MS, NC, NJ, NH, NY, OH, PA, RI, SC, TN, VA, WV, & WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Creative Bus Tours, Inc., 1341 G Street N.W., Washington, D.C. 20005. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila, PA 19106.*

MC 147334 (Sub-1TA), filed July 12, 1979. Applicant: ROBERT J. SALZ, 3446 Longview Road, Erie, CO 80516. Representative: Raymond M. Kelley, Esq., 450 Capitol Life Center, Denver, CO 80203. *Malt beverages in containers and empty containers and pallets on return from points in St. Paul, MN; St. Louis, MO; Omaha, NE and Peoria, IL to Laramie, WY and Pueblo, CO for 180 days. Underlying ETA filed seeking 90 days authority. Supporting shipper(s): Smith Beverages, P.O. Box 1206, 201 Harney St., Laramie, WY 82070; Pueblo Bottling, Inc., 1600 N. Erie, Pueblo, CO 81001. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.*

MC 147344 (Sub-1TA), filed July 5, 1979. Applicant: RED'S EXPRESS, INC., 309 Beach St., Modesto, CA 95354. Representative: T. Ravey, 518 Santa Clara Ave., Alameda, CA 94501. *Common carrier; regular routes; General commodities except: (1) Automobiles, trucks and buses (2) Livestock (3) Liquids or compressed gases in bulk or in tank trucks (4) Bulk commodities in dump trucks (5) Logs: from, to, and between all points and places located on the following described routes: On State Hwy 99 from Merced, CA to Yuba City, CA; On State Hwy 59 to Merced, CA to State Hwy 152; On State Hwy 152 from jct. State Hwys 59/152 to Los Banos, CA; On State Hwy 33 from Los Banos, CA to Tracy, CA; On US Interstate Hwy 5 from Tracy, CA to Stockton, CA; On State Hwy 108 from Modesto, CA to Mi-Wuk Village, CA; On State Hwy 49 from Moccasin, CA to*

Nevada City, CA; On State Hwy 4 from Altaville, CA to Stockton, CA; On State Hwy 88 from Jackson, CA to Stockton, CA; On State Hwy 104 from Lone, CA to State Hwy 88; On US Hwy 50 from Sacramento, CA to Stateline, NV; On State Hwy 89 from Truckee, CA to Jct. Hwys 50/89; On State Hwy 28 from Tahoe City, CA to Crystal Bay, NV; On US Interstate Hwy 80 from Sacramento, CA to Truckee, CA; On State Hwy 20 from Grass Valley, CA to Yuba City, CA; On State Hwy 65 from Marysville, CA to Roseville, CA, for 180 days. Supporting shipper(s): Jack Coe's Diagnostic & Tune Up, Highway 50, South Lake Tahoe, CA. Send protests to: D/S N. C. Foster, 211 Main—Suite 500, San Francisco, CA 94105.

MC 147414 (Sub-1TA), filed July 9, 1979. Applicant: GARY A. REESE, d.b.a. GARY REESE TRUCKING, RR 3, Albert City, IA 50510. Representative: D. Douglas Titus, Suite 510, Benson Building, Sioux City, IA 51101. *Sand, gravel, ag-lime, aggregates, crushed stone and road and dam building materials* from Gilmore City, IA to Sioux Falls, SD for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Midwest Limestone Co., Inc., Box 281, Gilmore City, IA 50541. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 147425 (Sub-1TA), filed May 22, 1979. Applicant: LLOYD CHRISTENSEN, d.b.a. LLOYD'S TIRE SERVICE, E. 503—Second, Spokane, WA 99202. Representative: Donald A. Ericson, 708 Old National Bank Bldg., Spokane, WA 99201. *Contract carrier: irregular routes: (1) Plastic scraps, from the facilities of Sound Manufacturing, Inc., at Kent, WA to McMinnville, OR, and Pico Rivera, Redlands, Carson, and LaMirada, CA; (2) plastic sheets, from McMinnville, OR, Pico Rivera, Redlands, Carson, and LaMirada, CA to the facilities of Sound Manufacturing, Inc., at Kent, WA and (3) finished plastic products, from the facilities of Sound Manufacturing, Inc. at Kent, WA to Portland, Salem and McMinnville, OR, for 180 days. Supporting shipper(s): Sound Manufacturing, Inc., 5438 South 228th, Kent, WA 98031. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Bldg., Seattle, WA 98174.*

MC 147454 (Sub-1TA), filed June 18, 1979. Applicant: JAMES CONDOSTA, 807 Exeter Ave., West Pittston, PA 18643. Representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. *Scrap metal in dump type vehicles* from Ellenville, NY to Easton and Milton, PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s):

Ellenville Scrap & Iron, Ellenville, NY, and Wagner Trading, Box 31, Milton, PA. Send protests to: L.C.C., Fed. Res. Bank Bldg., 101 No. 7th St., Rm. 620, Phila., PA 19106.

MC 147524 (Sub-1TA), filed June 22, 1979. Applicant: SINED LEASING, INC., 108 High Street, Mt. Holly, NJ 08060. Representative: John Francis Gough, Esquire, Messrs. White and Williams, 17th Floor, 1234 Market Street, Philadelphia, PA 19107. *Contract, irregular. In Bulk: invert cane sugar (liquid), fructose (liquid), sucrose (liquid), corn syrup (liquid) and flour (dry); the following commodity in bags: flour (dry). Between Boston, MA; Buffalo, NY; Brooklyn, NY; New York, NY; Baltimore, MD; Cincinnati, OH; Decatur, IL; Chicago, IL; Indianapolis, IN; Lafayette, IN; St. Louis, MO; New Orleans, LA; Hammond, IN; Decatur, AL; and Detroit, MI; on the one hand and Athens, OH; Akron, OH; Columbus, OH; Dayton, OH; Cincinnati, OH; Youngstown, OH; Detroit, MI; Seymour, IN; Vincennes, IN; State of MA; State of CT; State of NY; State of NJ; State of PA; Washington, DC; Lynchburg, VA; Hollins, VA; Roanoke, VA; Winston-Salem, NC; Greensboro, NC; Elkin, NC; Atlanta, GA; Savannah, GA; Athens, GA; Charleston, WV and the State of MD on the other hand, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Beverage Management, Inc., 1001 Kingsmill Parkway, Columbus, OH 43299; GCC Beverages, Inc., Palmetto Expressway, Miami, FL 33157; Standard Milling Company, 1009 Central Street, Kansas City, MO 64105; Revere Sugar Corp., 240 Richards Street, Brooklyn, NY 11231; F & M Schaefer Brewing, Inc., Interstate 78, Fogelsville, PA; American Maize Products Co., Indianapolis Blvd., Hammond, IN 46326. Send protests to: Joel Morris, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.*

MC 147544 (Sub-1TA), filed June 25, 1979. Applicant: CARL MEDLIN TRUCKING, an individual, 5890 Wood Sorrel Drive, Littleton, CO 80123. Representative: Carl Medlin, same address as applicant. *Meats* from Denver, CO and its commercial zone to points in NJ, NY and PA. Supporting shipper(s): Wilson Foods Corp., 4950 Washington, Denver, CO 80216. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 147554 (Sub-1TA), filed July 5, 1979. Applicant: ARAB CARTAGE AND EXPRESS, CO, INC., P.O. Box 427, Arab, AL 35016. Representative: John R. Frawley, Jr., 5506 Crestwood Blvd., Birmingham, AL 35212. *Electrical appliances, equipment and parts;*

hydraulic cylinders, materials and components used in the manufacture of hydraulic cylinders; motorcycle parts, vehicle braking systems, materials and components used in the manufacture of motorcycle parts and vehicle braking systems, between Arab, AL on the one hand and, on the other, points in WI, OH, MS, MI, TX, MN, GA, IL, AR, and NC, for 180 days. Supporting shipper(s): Heil Corporation, Arab—Thompson Rd., Arab, AL; Cutler-Hammer, Inc., 8th Avenue SE, Arab, AL; Syncro Corp., 7th Avenue NW, Arab, AL. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 147555 (Sub-1TA), filed June 27, 1979. Applicant: L & B Cartage, Inc., P.O. Box 388, Freeland, MI 48263. Representative: Robert E. McFarland, 999 W. Big Beaver Road, Suite 1002, Troy, MI 48064. *General Commodities* (except articles of unusual value, classes A & B explosives, house hold goods as defined by the Commission, commodities in bulk, and those requiring special equipment); between Tri-City Airport, at or near Freeland, MI on the one hand, and on the other, Detroit Metropolitan Wayne County Airport, at or near Romulus, MI and Willow Run Airport at or near Ypsilanti, MI restricted to shipments having a prior or subsequent movement by air. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Airborne Freight Corporation, Tri-City Airport, Freeland, MI 48263. Send protests to: C. R. Flemming, D/S, ICC, 225 Federal Building, Lansing, MI 48933.

MC 147565 (Sub-1TA), filed July 3, 1979. Applicant: PALMETTO TRANSPORTATION SERVICES, INC., P.O. Box 4932, Hilton Head Island, SC 29928. Representative: Tom Durston, same as applicant. *Passengers and baggage in charter and special service, between Hilton Head Island, SC and Chatham County, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Historic Savannah Foundation, Inc., P.O. Box 1733, Savannah, GA 31402; Sea Pines Plantation Company, Hilton Head Island, SC 29948; Hyatt, P.O. Box 6167, Hilton Head Island, SC 29928. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens St., Columbia, SC 29201.*

MC 147644 (Sub-1TA), filed July 5, 1979. Applicant: J.M.C. TRANSPORT, INC., 900 W. Stephen Foster Blvd., Bardstown, Ky. 40004. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, MD. 20760. (1) Wine and Brandy, from points in CA. to the facilities of House of

Nelson, Inc., Kentucky Liquor and Wine, Inc., and Willett Distilling Company, in Louisville, Bardstown, Covington, and Paducah, Ky. (2) Pallet stretch-wrap machinery, from Louisville, Ky. to points in CA. (3) Ceramic Decanters, from Los Angeles, CA, to Bardstown, Ky. Supporting shipper(s): Wilbro, Inc., Bardstown, Ky.; LanTech, Inc., Louisville, Ky.; Willett Distilling Co., Bardstown, Ky.; Ky. Liquor & Wine Co., Louisville, Ky.; and House of Nelson, Inc., Louisville, Ky. Send protests to: Mrs. Linda H. Sypher, D/S, ICC, 426 Post Office Bldg., Louisville, Ky. 40202.

MC 147664 (Sub-1TA), filed July 9, 1979. Applicant: TRANSCONTINENTAL REFRIGERATED EXPRESS, INC., 145 Crispin Boulevard, Brunswick, GA 31520. Representative: W. Eugene Caldwell, P.O. Box 1496, Brunswick, GA 31520. (1) *Frozen and canned foodstuffs and (2) materials, supplies and equipment used in the manufacturing and distribution of foodstuffs (except in bulk)*, between the facilities of Douglas Foods, Inc. at Douglas, GA on the one hand, and on the other hand, points in the United States, except AK and HI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Douglas Foods Service Co., P.O. Box 1208, Douglas, GA 31533. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 147695 (Sub-1TA), filed July 16, 1979. Applicant: ONAHU TRANSPORTATION CO., INC., P.O. Box 822, 1445 Spencer St., Longmont, CO 80501. Representative: Doyle W. Bloder, same address as applicant. *Malt beverages and related advertising materials* from Jefferson County, CO to points in MO; and *empty kegs, bottles and cans for recycling* from points in MO to Jefferson County, CO for 180 days. Underlying ETA filed seeking 90 days authority. Supporting shipper(s): Adolph Coors Company, Golden, CO. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 147885 (Sub-1TA), filed March 6, 1979. Applicant: MANUEL AND AMY VEGA d.b.a. VEGA CONSTRUCTION AND TRUCKING, P.O. Box 1630, Elko, NV 89801. Representative: John R. Ross II, Esq., P.O. Box 635, Carson City, NV 89701. *Orè and General Commodities*, between points and places situated within the counties of Elko, Eureka and Lander, State of NV, for 180 days. Supporting shipper(s): Chromalloy American Corp., P.O. Box 1003, Elko, NV 89801. Send protests to: W. J. Huetig, DS, ICC, 203 Federal Building, 705 North Plaza St., Carson City, NV 89701.

MC 147925 (Sub-TA), filed June 18, 1979. Applicant: JACK SHAWEL AND ARTHUR C. ROSS, d.b.a. ROSS TRUCKING, 8253 Lincoln Ave., Skokie, IL 60077. Representative: Jack Schawel, 111 W. Washington St., Chicago, IL 60602. *General commodities*, to and from all points and places inside the states of IL, WI, MN, MI, IN, OH, IA, MO and KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Stanislaus Foods, P.O. Box 3951, Modesto, CA 95352. Send protests to: David Hunt, TA, Room 1386, 219 S. Dearborn St., Chicago, IL 60604.

Note.—Applicant request authority to interline.

[Notice No. 148]

August 16, 1979.

MC 59583 (Sub-173TA), filed July 23, 1979. Applicant: THE MASON AND DIXON LINES, INC., P.O. Box 969, Kingsport, TN 37662. Representative: D. W. Penland (same address as above). *Foodstuffs, other than in Bulk, in controlled temperature vehicles*, from facilities of J. H. Filbert, Inc., in Clayton, Cobb, DeKalb and Douglas Counties, Georgia to points and places in IL and IN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): J. H. Filbert Inc., 3701 Southwestern Blvd., Baltimore, Maryland 21229. Send protests to: Glenda Kuss, TA, ICC, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 61592 (Sub-463TA), filed May 24, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: Don W. Smith, Suite 945-9000 Keystone Crossing, Indianapolis, IN 46240. *Agricultural machinery, implements, equipment and parts and accessories and materials, equipment and supplies used in the manufacture of agricultural machinery, implements, equipment, parts and accessories* from Kaukauna, WI to points in the U.S. in and east of MT, WY, CO and NM and from points in the U.S. in and east of MT, WY, CO and NM to Kaukauna, WI for 180 days. Supporting shipper: Badger Northland, Inc., 1215 Hyland Avenue, Kaukauna, WI 54130. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio Street, Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 81133 (Sub-4TA), filed July 26, 1979. Applicant: CORKERY FUEL & MATERIALS COMPANY, 1017 Mary Candace Ln., St. Louis, MO 63125. Representative: Michael W. O'Hara, Atty., 300 Reisch Bldg., Springfield, IL 62701. *Coal* from DuQuoin, W. Frankfort

and Sparta, IL to Festus, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Royal Fuel Corporation, 1211 W. 22nd St., Rm. 417, Oakbrook, IL 60521. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 87103 (Sub-40TA), filed June 29, 1979. Applicant: MILLER TRANSFER AND RIGGING CO., P.O. Box 6077, Akron, OH 44312. Representative: Edward P. Bocko (same address as applicant). (1) *Commodities which, because of size or weight, require the use of special handling or special equipment* (2) *selfpropelled articles each weighing 15,000 pounds or more* (3) *commodities which, because of size or weight do not require special handling or special equipment* (4) *machinery* (5) *machine parts* (6) *heavy machinery* (7) *iron or steel or iron or steel articles* (8) *contractors equipment, materials and supplies* (1) BETWEEN pts. and places in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, VT, VA, WV, and DC (2) BETWEEN pts. in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, VT, VA, WV, and DC on the one hand, and, on the other, pts. and places in the US (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Applicant's statement of facts. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 98952 (Sub-72TA), filed July 25, 1979. Applicant: GENERAL TRANSFER COMPANY, 2880 North Woodford Street, Decatur, Illinois 62526. Representative: Charles Carnahan, Jr., 2880 North Woodford Street, Decatur, Illinois 62526. *Foodstuffs*, from the facilities of Anderson Clayton Foods at Jacksonville, Illinois to points in the states of IN, IA, KY, MI, MN, MO, OH, TN, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Anderson Clayton Foods Inc., P.O. Box 226165, Dallas, Texas 75266. Send protests to: Cheryl G. Livingston, T/A, 219 S. Dearborn St., Room 1386, Chicago, Illinois 60604.

MC 103993 (Sub-975TA), filed June 13, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). *Buildings, building panels, building parts and materials, accessories, and supplies used in the installation, erection, and construction of buildings, building panels, and building parts (except commodities in bulk)*, from the facilities of Republic Buildings Corporation at or near Rainsville, AL to points in the United States in and east of the states of ND, SD, NE, KS, OK and

TX for 180 days. Supporting shipper: Republic Buildings Corporation, 1202 Industrial Avenue, Van Wert, OH 45891. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio Street, Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 103993 (Sub-976TA), filed April 27, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). *Iron and steel articles* from the plantsite of Gregory Galvanizing and Metal Processing, Inc., at or near Canton, OH to points in the United States in and east of the states of ND, SD, NE, KS, OK and TX for 180 days. Supporting shipper: Gregory Galvanizing & Metal Processing, Inc., 1723 Cleveland Ave., SW., Canton, OH 44706. Send protests to: Beverly J. Williams, Transportation Asst., ICC, 46 E. Ohio Street, Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 107012 (Sub-407TA), filed June 20, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Ft. Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant). *Commodities used in the manufacture of computers and computer equipment, in mixed loads with household goods* between points in AZ, CA, CO, CT, IL, IN, ME, MA, MN, NH, NJ, NM, NY, NC, OK, OR, PA, RI, SC, TX, VT, and WA for 180 days. Supporting shipper: Digital Equipment Corp., 444 Whitney Street, Northboro, MA 01532. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 115523 (Sub-188TA), filed July 20, 1979. Applicant: CLARK TANK LINES COMPANY, 1450 Beck Street, Salt Lake City, UT 84110. Representative: Melvin J. Whitear (same address as applicant). *Lime and lime products*, in bulk, from Caselton, NV to the Delamar Mine near Silver City, ID, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sierra Chemical Company, 1490 E. 2nd Street, Reno, NV 89502. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 115242 (Sub-17TA), filed July 19, 1979. Applicant: DONALD MOORE, 601 N. Prairie, St., Prairie Du Chien, WI 53821. Representative: Michael Varda, 121 S. Pinckney St., Madison, WI 53703. *Malt beverages* from LaCrosse, WI to Dubuque, IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dubuque Holiday Sales, Inc., 1270 E. 12th St., Dubuque, IA

52001. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 118202 (Sub-129TA), filed June 1, 1979. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. Representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, MN 55402. *Iron and steel articles* from Chicago, IL and points in its Commercial Zone to Winona, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Badger Construction Equipment Company, Airport Industrial Park, Winona, MN 55987. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 118263 (Sub-86TA), filed May 22, 1979. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, IN 47130. Representative: William L. Willis, Suite 708, McClure Bldg., Frankfort, KY 40601. *Meats, meat products, and meat by-products, and articles distributed by meat packing houses (except inedible hides and skins and commodities in bulk)* from the plantsite and warehouse facilities of Armour Processed Meats Co. at Louisville, KY, on the one hand, and, on the other, points in AR, GA, IL, IN, IA, ME, MS, MO, NH, RI, VA and WI for 180 days. Supporting shipper: Armour Processed Meats Co., 1200 Story Avenue, Louisville, KY 40206. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 119702 (Sub-70TA), filed July 27, 1979. Applicant: STAHLY CARTAGE CO., 119 S. Main St., P.O. Box 486, Edwardsville, IL 62025. Representative: Carl R. Wetzel (same address as applicant). *Petroleum Naphtha & Aromatic Solvents*, from Cyril, OK to St. Louis, MO for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Missouri Solvents & Chemical Co., 419 DeSoto Ave., St. Louis, MO 63147. Send protests to: Cheryl Livingston, TA, 219 S. Dearborn, Rm. 1386, Chicago, IL 60604.

MC 123272 (Sub-38TA), filed July 25, 1979. Applicant: FAST FREIGHT, INC., 9651 Ewing Avenue, Chicago, IL 60617. Representative: James C. Hardman, 33 North LaSalle Street, Chicago, IL 60602. *Bottles and bottling supplies*, from points in NY, NJ, WV, IN, IL, MI and OH to the facilities of James Beam Distilling Co., at/near Clermont and Louisville, KY for 180 days. Supporting shipper(s): James B. Beam Distilling Co., Clermont, KY 40110. Send protests to: Annie

Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 123272 (Sub-40TA), filed July 23, 1979. Applicant: FAST FREIGHT, INC., 9651 Ewing Avenue, Chicago, IL 60617. Representative: James C. Hardman, 33 North LaSalle Street, Chicago, IL 60602. *Cheese and cheese products and materials and supplies used in the manufacture of cheese and cheese products*: Between the facilities of Pace Dairy at/near Rochester, MN on the one hand, and on the other, Atlanta, GA, Charleston, WV, Cincinnati, Cleveland and Columbus, OH, Dallas and Houston, TX, Detroit and Grand Rapids, MI, Indianapolis, Ft. Wayne and Greensburg, IN, Little Rock, AR, Louisville, KY, Memphis and Nashville, TN, Peoria, IL, Pittsburgh, PA, Roanoke, VA, and St. Louis, MO for 180 days. Supporting shipper(s): The Kroger Company, 1014 Vine Street, Cincinnati, OH 45201. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 123872 (Sub-107TA), filed July 24, 1979. Applicant: W & L MOTOR LINES, INC., P.O. Box 3467, Hickory, NC 28601. Representative: Allen E. Bowman (same as applicant). *Meat, meat products and meat by-products and articles distributed by meat packing houses as described in Sections A, B and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk in tank vehicles)* from the facilities utilized by John Morrell & Co. at or near Amarillo, TX; Arkansas City, KS; East St. Louis, IL; El Paso, TX; Estherville, IA; Sioux City, IA; Sioux Falls, SD; and St. Paul, MN to points in GA, NC, SC, VA and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): John Morrell & Co., 208 S. LaSalle St., Chicago, IL 60604. Send protests to: Sheila Reece, Transportation Assistant, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 126542 (Sub-11TA), filed July 23, 1979. Applicant: B. R. WILLIAMS TRUCKING, INC., P.O. Box 3310, Oxford, AL 36201. Representative: John W. Cooper, 200 Woodward Bldg., 1927 1st Avenue North, Birmingham, AL 35203. Contract, irregular: (1) *Plastic and rubber articles*, from Lineville, AL, to points in the United States except AK and HI; and (2) *Materials, supplies and equipment used or consumed in the manufacture and shipping of plastic and rubber articles*, except in bulk in tank vehicles, from points in the United States except AK and HI, to Lineville, AL, for 180 days. An underlying ETA seeks 90 days authority. Supporting

shipper(s); Wheel Products Division Amerace Corporation, Lineville, AL 36266. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 127303 (Sub-66TA), filed July 26, 1979. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. *Non-alcoholic beverages*, from Omaha, NB and Granite City, IL to points in MN, WI, ND, and SD for 180 days. An underlying ETA seeking 90 days authority was filed. Supporting shipper(s): Shasta Beverages, Inc., 26901 Industrial Blvd., Hayward, CA 94545. Send protests to: Annie Booker, TA, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 135052 (Sub-30TA), filed April 27, 1979. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster Street, Shelbyville, IN 46176. Representative: Warren C. Moberly, 320 N. Meridian Street, Rm. 777, Indianapolis, IN 46204. (1) *Paper and paper products (except commodities in bulk)*, and (2) *materials and supplies used in the manufacture and distribution of paper and paper products (except commodities in bulk)*, (1) from the plantsites of Inland Container Corporation in Indianapolis and Crawfordsville, IN, to points in the states of OH, MI, IL, IA and KY and (2) from points in the states of OH, MI, IL, IA and KY, to the plantsites of Inland Container Corporation in Indianapolis and Crawfordsville, IN, for 180 days. Supporting shipper: Inland Container Corporation, 151 N. Delaware Street, Indianapolis, IN 46204. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 135732 (Sub-39TA), filed July 25, 1979. Applicant: AUBREY FREIGHT LINES, INC., P.O. Box 503, Elizabeth, NJ 07207. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Foodstuffs (except in bulk)*, from the facilities of the C. F. Mueller Co. located at or near Jersey City, NJ to points in the states of OH, IN, MI, IL, WI and IA, for 180 days. Supporting shipper(s): C. F. Mueller Co., 180 Baldwin Avenue, Jersey City, NJ 07306. Send protests to: Robert E. Johnston, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 135732 (Sub-40TA), filed July 19, 1979. Applicant: AUBREY FREIGHT LINES, INC., P.O. Box 503, Elizabeth, NJ 07207. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Chemicals and compounds*, and

materials, equipment, and supplies used in the manufacture and sale of chemicals and compounds (except commodities in bulk) between Boonton, Kearny and Harrison, NJ; Chicago, IL; and Houston, TX, on the one hand, and, on the other, Los Angeles, and San Francisco, CA; Portland, OR; Pocatello, ID; Seattle, WA; and Green River, WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Drew Chemical Corp., 1 Drew Chemical Plaza, Boonton, NJ 07005. Send protests to: Robert E. Johnston, D/S, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 138253 (Sub-13TA), filed June 22, 1979. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80631. Representative: John T. Wirth, 717 17th St. Suite 2600, Denver, CO 80202. *Contract carrier: irregular routes: (1) Chemicals and (2) Laboratory, graphic arts, electroplating, laundry, dry cleaning and swimming pool supplies and equipment, and (3) Materials used in the manufacture, sale and distribution thereof* from points in CA, DE, IL, IN, MD, MI, NJ, NY, OH, PA, WA and WV to Denver, CO for 180 days. Underlying ETA filed seeking 90 days authority. Supporting shipper(s): Chemical Sales Company, 4661 Monaco St., Denver, CO 80216. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 138322 (Sub-11TA), filed July 23, 1979. Applicant: BHY TRUCKING, INC., 9231 Whitmore Street, El Monte, CA 91733. Representative: Robert Fuller, 13215 E. Penn Street, Suite 310, Whittier, CA 90602. *Fabricated steel beams*, from Carlsbad, NM to Anaheim, CA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Southwestern Engineering and Machinery Corp., P.O. Box Drawer LL—Hobbs Highway at East Orchard Lane, Carlsbad, NM 88220. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 138432 (Sub-16TA), filed July 20, 1979. Applicant: GARLAND GEHRKE, 1800 N. Jefferson, Lincoln, IL 62756. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. *Commodities as dealt in by wholesale and retail grocery and chain stores*, restricted to traffic originating at the facilities of Dry Storage Corp., in the Chicago, IL Commercial Zone to points in IA, lower peninsula of MI, and the St. Louis, MO Commercial Zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dry Storage Corp., 2005 W. 43rd, Chicago, IL 60609. Send protests to: Annie Booker,

TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 138762 (Sub-42TA), filed July 16, 1979. Applicant: MUNICIPAL TANK LINES LIMITED, P.O. Box 3500, Calgary, AB, Canada T2P 2P9. Representative: Richard H. Streeter, 1729 H Street NW., Washington, DC 20006. *Molten sulphur*, in tank type vehicles, from ports of entry on the U.S.-Canada International Boundary line in MI to Detroit and Bay City, MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pressure Vessel Services, Inc., 6473 Anstell Ave., Detroit, MI 48213. Send protests to: Paul J. Labane, D/S, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 141402 (Sub-37TA), filed May 24, 1979. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 427, Lapel, IN 46051. Representative: Norman Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract carrier, irregular routes: (1) Iron, steel, zinc, lead, and articles or products thereof (except in bulk); springs; and construction materials, supplies and equipment (except in bulk)*, from the facilities of or used by Penn-Dixie Industries, Inc., Penn-Dixie Steel Corp., and Steven Spring, Inc., at or near Blue Island and Joliet, IL, Cicero, Elkhart, Fort Wayne and Kokomo, IN, Centerville, IA, Grand Rapids and Lansing, MI, Jackson, MS, Columbus and Toledo, OH to points in AL, AR, GA, IL, IN, KY, MI, MS, MO, NC, IA, PA, TN, WV, OH, VA, MD and WI. (2) *Materials, supplies and equipment (except in bulk)*, used in the manufacture and distribution of commodities named in (1) above, from points in the destination States named in (1) above, to the facilities of or used by Penn-Dixie Industries, Inc., Penn-Dixie Steel Corp., and Steven Spring, Inc., located at or near points in (1) above, under a contract or continuing contracts with Penn-Dixie Steel Corp. for 180 days. Supporting shipper: Penn-Dixie Steel Corp., P.O. Box 744, Kokomo, IN 46901. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 138882 (Sub-27TA), filed February 20, 1979, refilled July 2, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Paper and paper products and wood pulp* between Scott Paper facilities in the Commercial zones of Mobile, AL; Philadelphia, PA; Marinette, WI; Oconto Falls, WI; Green Bay, WI; Fort Edward, NY; Albany, NY; Brunswick, GA, for 180

days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Scott Paper Company, Scott Plaza, Philadelphia, PA 19113. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 141252 (Sub-9TA), filed July 3, 1979. Applicant: PAN WESTERN CORPORATION, 4105 Las Lomas, Las Vegas, NV 89102. Representative: Richard Truman (same as applicant). *Clay pipe, fittings and related material*, from Corona, CA to Clark and Nye Counties, NV. Washington and Iron Counties, UT. Mohave, Coconino and Navajo Counties, AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mission Clay Products, P.O. Box 549, Corona, CA 91720. Gladding McBean, P.O. Box 578, Corona, CA 91720. Send protests to: DS W. J. Huetig, ICC, 203 Federal Bldg., Carson City, NV 89701.

MC 142673 (Sub-2TA), filed July 25, 1979. Applicant: SPEEDY DELIVERY SERVICE, INC., 2010 N.E. Perry Street, Peoria, IL 61601. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Building materials and floor coverings* from Chicago, IL to Davenport, IA and from East Peoria, IL to Clinton, Davenport and Keokuk, IA and *imitation brick and stone* from Ft. Wayne, IN to East Peoria, IL and; from Sterling, IL to Clinton, IA for 180 days. Applicant has filed an underlying ETA seeking 90 days authority. Supporting shipper(s): Bramlet and Company, No. 1 Altorfer Lane, East Peoria, IL 61611. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 145102 (Sub-35TA), filed July 18, 1979. Applicant: FREY MILLER TRUCKING INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Wayne Wilson, 150 E. Gilman St., Madison, WI 53703. *Cheese and cheese products* from Rochester, MN and points in WI to points in NV, AZ & CA, restricted to traffic originating at the facilities used by N.C.D. Corp., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): N.C.D. Corp., 3200 W. Temple St., Los Angeles, CA 90026. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 145402 (Sub-7TA), filed July 18, 1979. Applicant: LAKE LINE EXPRESS, INC., P.O. Box 1021, Appleton, WI 54912. Representative: Nancy Johnson, 103 E. Washington St., Crandon, WI 54520. (1) *Internal combustion engines and accessories thereto*, from facilities of Teledyne Continental Motors, Industrial Products Div., at or near Muskegon, MI to Appleton, Kohler, Butler, Milwaukee,

Waupaca, Brillion and Racine, WI and (2) *Materials, equipment and supplies used in the manufacture and distribution of internal combustion engines and accessories thereto*, from Waupaca, Brillion, Appleton, Berlin and Slinger, WI to facilities of Teledyne Continental Motors, Industrial Products Div., at or near Muskegon, MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Teledyne Continental Motors, 700 Terrace St., Muskegon, MI 49443. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 145772 (Sub-7TA), filed July 18, 1979. Applicant: LANG CARTAGE CORP., P.O. Box 1465, Waukesha, WI 53187. Representative: Richard Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53203. *Such merchandise as is dealt in by retail mail order houses (except furniture)* from facilities of Unity Buying Service Co., Inc. at Schaumburg, IL to points in MN, WI & UP of MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Unity Buying Service Co., Inc., 905 E. Gulf Rd., Schaumburg, IL 60196. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 146162 (Sub-4TA), filed July 26, 1979. Applicant: TRANSPORT EQUIPMENT CORP., 240 E. 112th Street, Hammond, IN 46320. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. (1) *Metal articles*, and (2) *building materials and building supplies*, between points in the Chicago, IL commercial zone, restricted to the transportation of traffic having a prior or subsequent movement by water, for 180 days. An underlying ETA seeks 90 days authority has been filed. Supporting shipper(s): Master Jobbers, Inc., 240 112th Street, Hammond, IN 46320. Send protests to: Annie Booker, TA, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 146353 (Sub-2TA), filed February 22, 1979. Applicant: THORP BROS., INC., 4361 Raleigh, Denver, CO 80212. Representative: Richard S. Mandelson, Jones, Meiklejohn, Kehl & Lyons, 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, CO 80264. (1) *Malt beverages* from Jefferson, County, CO to points in CA and WA; and (2) *empty containers and materials for recycling* from points in CA to Jefferson, County, CO for 180 days. Underlying ETA filed seeking 90 days authority. SUPPORTING SHIPPER: Adolph Coors Co., Golden, CO. SEND PROTESTS TO: D/S Roger L. Buchanan,

ICC, 492 U.S. Customs House, 721 19th St., Denver, CO 80202. Supporting shipper(s): Adolph Coors Co., Golden, CO. Send protests to: D/S Roger L. Buchanan, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, CO 80202.

MC 146752 (Sub-2TA), filed March 5, 1979. Applicant: DLC TRANSPORT, INC., 12 Raymond Avenue, Poughkeepsie, NY 12603. Representative: James M. Burns, Johnson's Bookstore Building, 1383 Main Street—Suite 413, Springfield, MA 01103. *Contract Carrier: Irregular routes: (1) Lumber, Lumber Products and Building Materials*, between points in ME, NH, VT, CT, MA, RI, NY, MI, NJ, PA, MD, DE, DC, TN, NC, SC, GA, AL, MS and FL: (2) *Fencing*: from ME, NH, VT and Coalton, WV to points in CT, MA, RI, NY, MI, NJ, PA, MD, DE, DC, OH, IN, WV, VA, KY, TN, NC, SC, AL, MS, and FL: (3) *Particle Board*: from VA, NC, and SC, to points in ME, NH, VT, CT, MA, RI, NY, MI, NJ, PA, MD, DE, DC, OH, IN, WV, KY, TN, NC, SC, AL, MI and FL, for 180 days, under a continuing contract or contracts with the A. C. Dutton Lumber Corporation of Poughkeepsie, NY. SUPPORTING SHIPPER: A. C. Dutton Lumber Corporation, 12 Raymond Avenue, Poughkeepsie, NY 12603. SEND PROTESTS TO: Robert Radler, Interstate Commerce Commission, Post Office Box 1167, Albany, NY 12201. Supporting shipper(s): A. C. Dutton Lumber Corporation, 12 Raymond Avenue, Poughkeepsie, NY 12603. Send protests to: David Miller, ICC, 338-342 Fed Bldg., 436 Dwight Street, Springfield, MA 01103.

MC 147032 (Sub-2TA), filed June 22, 1979. Applicant: GENERAL MOTOR LINES, INC., P.O. Box 9583, Baltimore, MD 21237. Representative: Edmond N. Button, P.O. Box 1417, Hagerstown, MD 21740. *General commodities (except Classes A & B explosives)*, between Baltimore, MD, and its commercial zone, and Alexandria, VA, and its commercial zone, restricted to traffic having a prior or subsequent movement by water, for 90 days. An underlying ETA seeks 90 days, for 180 days. Supporting shipper(s):

Dominic C. Obrigkeit, Hansen Tidemann, 623 World Trade Center, Baltimore, MD 21202. Paul Cox, Lavino Shipping Company, 32 Water St., Baltimore, MD 21202. William Pudifin, Harper Robinson & Company, Suite 800, 1st National Bank Bldg., Baltimore, MD 21202. Send protests to: W. L. Hughes, DS, ICC, 1025 Federal Bldg., Baltimore, MD 21201.

MC 147682 (Sub-1TA), filed July 26, 1979. Applicant: ELOY MONTANO, 2438 Indiana School Road NW., Albuquerque,

NM 87106. Representative: Roger V. Eaton, P.O. Box Drawer 965, Albuquerque, NM 87103. *Contract carrier: irregular routes: Broken down, prefabricated buildings, including component parts thereof and equipment incidental to the erection and completion of the same.* (1) from Bernalillo, NM to points in WY, AZ, NV, WA, KS, and CO; (2) from Grapevine, Lubbock and Houston, TX and Pueblo, CO to Bernalillo, NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Apache Industries, Inc., P.O. Box 1710, 80 Hwy. 85, Bernalillo, NM 87004. Send protests to: D/S, ICC, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

MC 147723 TA, filed July 3, 1979. Applicant: E. B. COMPANY, INC., 5100 West 164th St., Brook Park, OH 44142. Representative: Paul F. Beery, 275 East State St., Columbus, OH 43215. (1) *Petroleum products, except in bulk, from the plantsites of Tradco Chemical Corporation at Akron, OH, to points in and east of ND, SD, NE, KS, OK and TX;* (2) *Empty containers such as are commonly used in the transportation of petroleum products from points in and east of ND, SD, NE, KS, OK and TX to the plantsite of Tradco Chemical Corporation at Akron, OH;* (3) *Materials, equipment and supplies used in the manufacture and transportation of petroleum products between the plantsite of Tradco Chemical Corporation at Akron, OH, on the one hand, and points in and east of ND, SD, NE, KS, OK and TX, on the other, for 180 days.* Supporting shipper(s): Tradco Chemical Corp., 1178 Triplett Blvd., Akron, OH 44306. Send protests to: D/S ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 147862 TA, filed July 17, 1979. Applicant: G. L. NICHOLS TRUCKING, INC., P.O. Box 86, Flora, IL 62839. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Contract carrier: irregular routes: Commodities as are dealt in by food, chain, discount, drug, grocery and hardware stores (except in bulk) for the account of S. C. Johnson and Son, Inc., from Sturtevant and Racine, WI to points in FL and GA; and from Jacksonville, FL and Atlanta, GA to Sturtevant and Racine, WI, for 180 days.* Supporting shipper(s): S. C. Johnson and Son, Inc., 1525 Howe St., Racine, WI 53403. Send protests to: Annie Booker, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 147900 TA, filed June 26, 1979. Applicant: COLLINS WHOLESALE SUPPLY, INC., 4073 Hooker Road,

Roseburg, Oregon 97470. Representative: Kerry D. Montgomery, 400 Pacific Building, Portland, OR 97204, 503-228-5275. *Cement, in sacks, including masonry, white and hydraulic from the plantsite and facility of Riverside Cement Company, Riverside, CA, to points in Oregon, Washington, Idaho and Utah; and from the producing plants of Oregon Portland Cement Co of Lake Oswego, Lime and Durkee, OR and Inkom, ID, to its distribution plants at Auburn and Kennewick, WA, Boise, Twin Falls, Heyburn, Pocatello and Idaho Falls, Idaho for 180 days.* Supporting shipper(s): Mr. James W. Bryan, Riverside Cement Company, P.O. Box 4078, South Colby, Washington 98384. Send protests to: A. E. Odoms, D/S, ICC, 114 Pioneer Courthouse, 555 S. W. Yamhill Street, Portland, OR 97204.

MC 147922 TA, filed July 20, 1979. Applicant: B. A. MURPHY, P.O. Box 245, Cary, MS 39054. Representative: William G. Beanland, P.O. Box 991, Vicksburg, MS 39180. *Contract carrier: irregular routes: Steel and iron articles, I Beams, H Beams, RE-Bar and Sheet Steel from Gulfport, MS, New Orleans, LA, and Houston, TX, to Vicksburg, Yazoo City and Greenville, MS, for the account of Universal Steel Company, Vicksburg, MS, for 180 days.* Supporting shipper(s): Universal Steel Company, P.O. Box 1125, Vicksburg, MS 39180. Send protests to: Alan Tarrant, D/S, ICC, Federal Building, Suite 1441, 100 West Capitol St., Jackson, MS 39201.

[Notice No. 152]

August 20, 1979

MC 120419 (Sub-7TA), filed July 20, 1979. Applicant: SERVICE TRANSFER, INC., 1501 West Main Street, Henryetta, OK 74437. Representative: Clifford Neal (same address as applicant). (1) *glass containers and closures therefore; and* (2) *materials, equipment and supplies used in the manufacture, sale and distribution of glass containers,* (1) from Okmulgee, OK, to points in AR, IA, IL, KS, LA, MO, NE, and TN; and (2) from points in AR, IA, IL, KS, LA, MO, NE, and TN, to Okmulgee, OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Ball Corporation, 345 South High Street, Muncie, IN 47302. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 120618 (Sub-21TA), filed May 3, 1979. Applicant: SCHALLER TRUCKING CORPORATION, 5700 W. Minnesota Street, Indianapolis, IN 46241. Representative: John R. Bagileo, 700 World Center Bldg., 918 16th St. NW, Washington, DC 20006. *Aluminum and aluminum products, from the plantsite of*

Aluminum Company of America at or near Massena, NY, to IL, IN, MI and OH, for 180 days. Supporting shipper: Aluminum Company of America, 1501 Alcoa Bldg., Pittsburgh, PA 15219. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 120618 (Sub-22TA), filed May 31, 1979. Applicant: SCHALLER TRUCKING CORP., 5700 W. Minnesota Street, Indianapolis, IN 46241. Representative: John R. Bagileo, 918 16th St. NW, Washington, DC 20006. 1. *Brass, bronze, copper and Cupro-Nickel, from the facilities of Olin Corporation located at or near East Alton, IL, and the facilities of Bridgeport Brass located at or near Indianapolis, IN to the facilities of Harrison Radiator, a Div. of General Motors Corp., located at Buffalo and Lockport, NY.*

2. *Aluminum articles, aluminum plate or steel, aluminum coils, aluminum foil, aluminum extrusions, aluminum pipe, and aluminum flux, from the facilities of Anaconda Aluminum Company located at or near Terre Haute, IN to the facilities of Harrison Radiator, a Div. of General Motors Corp., located at Buffalo and Lockport, NY.*

3. *Auto Parts and accessories, from the facilities of Delco-Remy, a Div. of General Motors Corp., located at or near Anderson, IN to the facilities of Harrison Radiator, a Div. of General Motors Corp., located at Buffalo and Lockport, NY, for 130 days.* Supporting shipper: Harrison Radiator, 200 Upper Mountain Road, Lockport, NY 14094. Send protests to: Beverly J. Williams, Transportation Asst., ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 120728 (Sub-6TA), filed July 6, 1979. Applicant: MOJAVE TRANSPORTATION CO., 14410 South Avalon Blvd., Gardena, CA 90248. Representative: Robert Fuller, 13215 E. Penn Street, Suite 310, Whittier, CA 90602. *Agricultural tractors, industrial and construction equipment, excavating and material handling equipment, parts and attachments, from San Joaquin and Los Angeles Counties, CA to points in AZ, ID, OR and UT, for 180 days.* An underlying ETA seeks up to 90 days operating authority. Supporting shipper: J. I. Case Company, 700 State Street, Racine, WI 53404. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 121568 (Sub-13TA), filed July 5, 1979. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Avenue, Nashville, TN 37211. Representative: James G.

Caldwell (same address as applicant). *Hardwood flooring*, from the facilities utilized by Bruce Hardwood Floors at or near Center, TX to points in the states of AR, MS, & TN. Applicant intends to interline with other carriers at Memphis and Nashville, TN. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bruce Hardwood Floors, Inc., 4255 LBJ Freeway, Dallas, TX 75234. Send protests to: Glenda Kuss, T/A, ICC, A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 121658 (Sub-20TA), filed July 16, 1979. Applicant: Steve D. Thompson Trucking, Inc., P.O. Drawer 149, Winnsboro, LA 71295. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. (1) *Insulated copper wire and empty reels* from the facilities of Belden Corporation at or near Jena, LA to the facilities of Belden Corporation at or near Dumas, AR and (2) *Insulated copper wire and insulated copper scrap*, in the reverse direction, for 180 days. Underlying ETA sought corresponding authority for 90 days. Supporting shipper(s): Belden Corporation, 2000 S. Batavia Ave., Geneva, IL 60134. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 123048 (Sub-461TA), filed June 22, 1979. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st St., Racine, WI 53406. Representative: John Bruemmer, 121 W. Doty St., Madison, WI 53703. *Iron and steel conduit pipe* between Osceola, AR and points in KS, NE, IA & MO for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Southwire Co., P.O. Box 1000, Carrollton, GA 30117. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124078 (Sub-976TA), filed July 5, 1979. Applicant: SCHWERMANN TRUCKING CO., 611 S. 28th St., Milwaukee, WI 53215. Representative: Richard Prevette, 611 S. 28 St., Milwaukee, WI 53215. *Phosphatic fertilizer solutions & spent phosphoric acid*, in bulk, in tank vehicles, from Cullman, AL to points in AL, AR, FL, GA & IL [except points in St. Louis, MO-East St. Louis, IL commercial zone] KY, LA, MS & TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mobil Chemical Co., P.O. Box 26683, Richmond, VA. 23261. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124078 (Sub-977TA), filed July 5, 1979. Applicant: SCHWERMANN

TRUCKING CO., 611 S. 28 St., Milwaukee, WI 53215. Representative: Richard Prevette (same address as applicant). *Cement* from facilities of Missouri Portland Cement Co. at Memphis, TN to points in AR & MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Missouri Portland Cement, 7711 Carondelet Ave., St. Louis, MO 63105. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124078 (Sub-980TA), filed July 16, 1979. Applicant: SCHWERMANN TRUCKING CO., 611 S. 28 St., Milwaukee, WI 53215. Representative: Richard H. Prevette (same address as applicant). *Cement* from Decatur, AL to points in GA, MS and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Missouri Portland Cement Co., 7711 Carondelet Ave., St. Louis, MO 63105. Send protests to: J. E. Ryden, DS, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124078 (Sub-981TA), filed July 16, 1979. Applicant: SCHWERMANN TRUCKING CO., 611 S. 28 St., Milwaukee, WI 53215. Representative: Richard H. Prevette (same address as applicant). *Clay*, in bulk, from Ripley, MS, to IL, IN, IA, MN, MO and WI, for 180 days. Supporting shipper(s): Oil-Dri Corporation of America, 520 N. Michigan Ave., Chicago, IL 60611. Send protests to: J. E. Ryden, DS, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124078 (Sub-982TA), filed July 24, 1979. Applicant: SCHWERMANN TRUCKING CO., 611 S. 28 St., Milwaukee, WI 53215. Representative: Richard Prevette (same address as applicant). *Corn products*, in bulk, from Kankakee, IL and Mt. Vernon, IN to points in the US and east of KS, ND, NE, OK, SD & TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): J. R. Short Milling Co., 233 S. Wacker Dr., Sears Tower, Chicago, IL 60606. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124078 (Sub-983TA), filed July 11, 1979. Applicant: SCHWERMANN TRUCKING CO., 611 S. 28 St., Milwaukee, WI 53215. Representative: Richard Prevette, same address as applicant. *Edible tallow*, in bulk, from Anderson, IN to Janesville, WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): EMGE Packing Co., Inc., P.O. Box 2070, 2000 W. 8th St., Anderson, IN 46011. Send protests to: Gail Daugherty, TA, ICC, 517

E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124078 (Sub-984TA), filed July 19, 1979. Applicant: SCHWERMANN TRUCKING CO., 611 S. 28 St., Milwaukee, WI 53215. Representative: Richard Prevette, same address as applicant. *Cement*, in bulk, from Evansville, PA to Pleasant Prairie, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wisconsin Associates, P.O. Box 74, Pleasant Prairie, WI 53158. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124078 (Sub-985TA), filed July 24, 1979. Applicant: SCHWERMANN TRUCKING CO., 611 S. 28 St., Milwaukee, WI 53215. Representative: Richard Prevette, same address as applicant. *Slag*, in bulk, from Warner, PA to Wilson, NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kerr Glass Mfg. Corp., P.O. Box 97, Sand Springs, OK 74063. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124078 (Sub-986TA), filed July 31, 1979. Applicant: SCHWERMANN TRUCKING CO., 611 S. 28 St., Milwaukee, WI 53215. Representative: Richard Prevette, 611 S. 28 St., Milwaukee, WI 53215. *Cement*, in bulk, from Universal, PA to Cleveland, TN, for 180 days. Supporting shipper(s) U.S. Steel Corp., 600 Grant St., Pittsburgh, PA 15230. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124679 (Sub-101TA), filed July 3, 1979. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Daniel E. England, same address as applicant. *Foodstuffs*, except in bulk, from Ashton, RI, points in CT, DE, and those in NY on and east of New York Highway 34 (except New York, NY, and points in its commercial zone and those in Suffolk County), to points in AZ, CA, CO, ID, MT, NB, NM, OR, UT, and WA; and (2) from New York, NY, points in MD (except those points east of the Chesapeake Bay and south of the Chesapeake and Delaware canal), NJ, Suffolk County, NY, those in PA on and east of U.S. Highway 15 and those in MA on and east of Massachusetts Highway 12 to points in the United States (except AK, HI, KS, LA, NE, ND, OK, SD, SC, AL, TN, and TX), restricted against the transportation of foodstuffs from Downingtown, PA, and points in its commercial zone, to points in DE, NJ, NY, OH, PA, MI, VA, WV, and DC, for 180 days. An underlying ETA seeks 90

days authority. Supporting shipper(s): There are 36 statements in support attached to this application which may be examined at the I.C.C. in Washington, D.C. or copies of which may be examined in the field office named below. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 124679 (Sub-102TA), filed July 10, 1979. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Daniel E. England, same address as applicant. *Frozen bakery goods*, from Richmond, UT to Salisbury, MD and Milford, DE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pepperidge Farm, Incorporated, 595 Westport Avenue, Norwalk, CT 06856. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 124939 (Sub-21TA), filed May 14, 1979. Applicant: FOOD HAUL, INC., 1215 W. Mound St. Rear, Box 1309, Columbus, OH 43223. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. *Contract; irregular: Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses (except commodities in bulk)* from Columbus, OH to points in NE, ND, SD, OK, and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Borden, Inc., 180 E. Broad St., Columbus, OH 43215. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 125299 (Sub-8TA), filed July 18, 1979. Applicant: WITTE BROTHERS EXCHANGE, INCORPORATED, 690 E. Cherry St., Troy, MO 63379. Representative: Harold C. Witte, address same as applicant. *Foodstuffs*, (except in bulk), from Atlanta, GA and St. Louis, MO to points in the US including AL, AR, CN, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV and WI; and *foodstuffs, materials, equipment and supplies* used in the manufacture of foodstuffs from the above named destination states to Atlanta, GA and St. Louis, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wetterau Incorporated, 8920 Pershall Rd., Hazelwood, MO 63042. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 125368 (Sub-75TA), filed June 29, 1979. Applicant: CONTINENTAL COAST TRUCKING CO., INC., P.O. Box 26, Holly Ridge, NC 28445.

Representative: C. W. Fletcher, same as applicant. *Meats, meat products, meat by-products and articles distributed by meat packinghouses, as described in sections A, B, and C of Appendix I to the Report in the Descriptions In Motor Carriers Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk)* from facilities of Swift & Company, Cactus, TX to AL, FL, GA, LA, MS, NC, SC and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Swift & Company, 115 West Jackson Blvd., Chicago, IL 60604. Send protests to: Terrell Price, 800 Briar Creek Rd-Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 125368 (Sub-76TA), filed July 2, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: C. W. Fletcher, P.O. Box 26, Holly Ridge, NC 28445. *Fresh meats and packinghouse products as described in Sections A, B, and C of Appendix I to the report in description in Motor Carriers Certificates 61 MCC 209 and 766 (except hides, skins, and commodities in bulk)* from Estherville and Sioux City, IA and Sioux Falls, SD and Memphis, TN to points in AL, CT, DE, FL, MD, MA, ME, MI, MS, GA, NJ, NY, NC, OH, PA, RI, SC, TN, VA and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): John Morrell & Co., 208 S. LaSalle St., Chicago, IL 60604. Send protests to: Terrell Price, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 125368 (Sub-77TA), filed July 5, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: C. W. Fletcher, same as above. *Plastic bottles* from Carolina Canners, Inc., Cheraw, SC to Pepsi Cola Company, Abilene, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pepsi Cola Company, Anderson Hill Rd., Purchase NY 10577. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd-Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 125368 (Sub-78TA), filed July 6, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: C. W. Fletcher, same as above. *Meats, meat products and supplies used in the manufacture of meat products between the facilities of Frederick and Herrud and subsidiaries of Frederick and Herrud in MI and NC, on the one hand, and on the other, points in the US, except AK and HI; (Restricted to traffic originating and/or*

destined to Frederick and Herrud, Crown Packing, Herco, Carolina Meat Processor and other subsidiaries of Frederick and Herrud), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Frederick & Herrud, Herco, Carolina Meat Processors, Crown and Other Subsidiaries, 1487 Farnsworth, Detroit, MI 48211. Send protests to: Terrell Price, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 125368 (Sub-79TA), filed July 10, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: C. W. Fletcher, same as above. *Beverages, plastic bottles and cans, beverage supplies and machinery used by Carolina Canners, Inc. and Carolina Packaging, Inc. and subsidiaries* between the facilities of Carolina Canners, Inc. and Carolina Packaging, Inc. and subsidiaries, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MI, MO, TN, TX, VA and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Carolina Canners, Inc., P.O. Box 965, Cheraw, SC 29520. Send protests to: Terrell Price, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 125368 (Sub-80TA), filed July 3, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: C. W. Fletcher, same as above. *Fresh meat and packinghouse products as described in Sections A, B, and C, of Appendix I to the report in descriptions in Motor Carriers Certificates 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk)* from Amerillo and Lubbock, TX and destined to points in AL, CT, DE, DC, FL, GA, MD, MA, ME, MI, MS, NJ, NY, NC, OH, PA, RI, SC, TN, and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): John Morrell & Company, 208 S. LaSalle St., Chicago, IL 60604. Send protests to: Terrell Price, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 125368 (Sub-81TA), filed July 24, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: C. W. Fletcher, same as above. *Meat, meat products and supplies used in the manufacture of meat products between the facilities of Dinner Bell Foods at or near Defiance, Archibald, and Troy, OH on the one hand, and, on the other, points in CT, DE, DC, KY, ME, MD, MA, NH, NJ, NY, SC, TN, VT, WV and WI, for 180 days. An underlying ETA seeks 90 days*

authority. Supporting shipper(s): Dinner Bell Foods, P.O. Box 388, Defiance, OH 43512. Send protests to: Sheila Reece, Transportation Assistant, 800 Briar Creek Rd., Rm. CC516, Mart Office Building, Charlotte, NC 28205.

MC 125368 (Sub-82TA), filed July 26, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: C. W. Fletcher, same as above. *Meats, meat products, and meat by-products and articles distributed by meat packinghouses as described in Motor Carriers Certificate 61, MCC 209 and 766 (except hides and commodities in bulk)*, from the facilities of Swift and Company at or near, Bradley, IL, East St. Louis, IL, Rochelle, IL, St. Charles, IL and Chattanooga, TN to points in AL, AR, CO, CT, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, ME, MD, MI, MN, MO, MS, NJ, NH, NM, NY, NC, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WV and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Swift and Company, 115 West Jackson Blvd., Chicago, IL 60604. Send protests to: Sheila Reece, Transportation Assistant, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 125708 (Sub-177TA), filed June 27, 1979. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 1473 Ripley, Lake Station, IN 46405. Representative: Edward Pietrowski, 109 Velma, South Roxana, IL 62087. *Particle board, hardboard, plywood and lumber*, from points in AL, AR, GA, MS and SC on the one hand and on the other points in the United States (except AL and HA) for 180 days. Supporting shipper(s): Jim McCormick Co., Inc., P.O. Box 50342, Indianapolis, IN 46250. Send protests to: Annie Booker, TA, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 125708 (Sub-179TA), filed June 26, 1979. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 1473 Ripley, P.O. Box 5216, Lake Station, IN 46405. Representative: Edward F. Pietrowski, Esq., 109 Velma, South Roxana, IL 62087. *Lumber*, from Rudyard, MI to points in IL, IN, MI, & OH; and from Toledo, OH to Kalamazoo, Niles, Lansing, Traverse City, Rudyard, MI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Schultz, Snyder & Steele Lumber Co., P.O. Box 42128, Lansing, MI 48909. Send protests to: Cheryl Livingston, TA, 219 S. Dearborn Street, Rm. 1386, Chicago, IL 60604.

MC 125708 (Sub-180TA), filed June 25, 1979. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 1473 Ripley, P.O. Box 5216 Lake Station,

Indiana 46405. Representative: Edward F. Pietrowski, Esq., 109 Velma, South Roxana, IL 62087. *Iron and Steel Articles* as described in 61-MCC 209 from Huntington, West Virginia, to points in California, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Connors Steel Company, P.O. Box 118, Huntington, West Virginia 25706. Send protests to: Cheryl G. Livingston, TA, 219 S. Dearborn Street, Rm. 1386, Chicago, IL 60604.

MC 126139 (Sub-8TA), filed June 14, 1979. Applicant: AARON SMITH TRUCKING COMPANY, INC., US #117 South, Dudley, NC 28333. Representative: John N. Fountain, 1010 Insurance Bldg., Fayetteville St., Raleigh, NC 27602. *Manufactured forest products* from facilities of Weyerhaeuser Corp. at Jacksonville, Plymouth, Lewiston and Weyco, NC to points in VA, MD, DE, DC, NJ, PA, OH, NY, CT, RI, MA, VT, NH, ME, TN, SC, GA, FL, WV and IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Weyerhaeuser Company, PO Box 787, Plymouth, NC 27962. Send protests to: Terrell Price, 800 Briar Creek Rd-Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 126679 (Sub-14TA), filed July 13, 1979. Applicant: DENNIS TRUCK LINE, INC., P.O. Box 189, Vidalia, GA 30474. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. *Iron and steel articles*, from Savannah, GA to Marietta, GA for 180 days. Supporting shipper(s): Pacesetter Steel Service, Inc., 980 Marietta Industrial Drive, Marietta, GA 30065. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 127478 (Sub-19TA), filed July 13, 1979. Applicant: WILLIAM M. HAYES, d.b.a. HAYES TRUCKING CO., P.O. Box 31, Winterville, GA 30683. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. (1) *Frozen and canned foodstuffs and (2) materials, supplies and equipment used in the manufacture and distribution of foodstuffs* between the facilities of Douglas Foods, Inc. at Douglas, GA on the one hand, and points in the U.S. (except AK & HI) on the other hand, restricted to the transportation of traffic originating at or destined to the facility of Douglas Foods, Inc. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Douglas foods, Inc., P.O. Box 1208, Douglas, GA 31533. Send protests to: Sara K. Davis, T/A,

ICC, 1252 W. Peachtree St., NW, Rm 300, Atlanta, GA 30309.

MC 127579 (Sub-25TA), filed May 29, 1979. Applicant: HAULMARK TRANSFER, INC., 1100 North Macon St., Baltimore, MD 21205. Representative: Glenn M. Heagerty (same address as applicant). *Books*, from the facilities of Ingram Book Co., at or near Jessup, MD to Los Angeles, CA and its commercial zone and Seattle, WA and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ingram Book Co., 347 Reedwood Drive, Nashville, TN 37217. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 127579 (Sub-26TA), filed July 9, 1979. Applicant: HAULMARK TRANSFER, INC., 1100 North Macon St., Baltimore, MD 21205. Representative: Glenn M. Heagerty (same as applicant). *Paper and paper products* from the facilities of Union Camp Corp. at or near Richmond, VA to NJ, NY, PA, DE, MD, DC, ME, NH, VT, MA, CT, and RI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Union Camp Corp., 1600 Valley Rd., Wayne, NJ 07470. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 128409 (Sub-6TA), filed July 18, 1979. Applicant: HAROLD A. MILLER, P.O. Box 623, Moorhead, MN 56560. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Contract carrier; irregular routes: Liquid sugar*, in bulk, in tank vehicles, from the facilities of American Crystal Sugar Company at or near Chaska, MN to points in ND and IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Crystal Sugar Company, 101 3rd Street, Moorhead, MN 56560. Send protests to: H. E. Farsdale, DS, ICC, Bureau of Operations, Room 268 Fed. Bldg. & U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 128449 (Sub-11TA), filed July 9, 1979. Applicant: JIMMIE TUCKER TRUCKING, INC., P.O. Box 428, Broken Bow, OK 74728. Representative: Rufus H. Lawson, Attorney, 2753 Northwest 22nd Street, Oklahoma City, OK 73107. (1) *Metal roofing and siding and fabricated metal products; and (2) materials and supplies used in the manufacture of commodities named in (1) above*, (1) from Idabel, OK, to points in AL, AR, GA, IL, KS, KY, LA, MS, MO, NM, OK, TN, and TX, and (2) from the destination states named in (1) above, to Idabel, OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Alcan Building Products, Div.

of Alcan Aluminum Corp., 3449 Hempland Road, Lancaster, PA 17601. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 129149 (Sub-15TA), filed June 29, 1979. Applicant: JOHN W. HIEL, R.R. #2, Prairie City, IL 61470. Representative: Robert Lawley, 300 Reisch Bldg., Springfield, IL 62701. Contract carrier: irregular routes: *Animal and poultry feed, feed ingredients, for the account of Allied Mills, Inc., between Peoria and Bushnell, IL on the one hand, and on the other, points in IA, KY, MI, MO, OH, WI; and from Mendota, IL to points in IN and OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Allied Mills, Inc., 10 S. Riverside Plaza, Chicago, IL 60606. Send protests to: David Hunt, TA, Rm. 1386, 219 S. Dearborn, Chicago, IL 60604.*

MC 129219 (Sub-20TA), filed July 3, 1979. Applicant: CMD TRANSPORTATION, INC., 12340 S.E. Dumolt Road, Clackamas, OR 97015. Representative: Philip G. Skofstad, P.O. Box 594, Gresham, OR 97030. Contract, irregular, plastic roll film and plastic sheeting from Torrance, CA to Medford, Eugene, Corvallis, Portland, Bend, Pendleton, and LaGrande, OR; Vancouver, Tacoma, Seattle, Bellingham, Port Angeles, Yakima, Richland, Walla Walla, Pullman, Wenatchee and Spokane, WA for 180 days. A corresponding ETA was Granted 7/2/79 for 30 + 2, expires 9/29/79. A permanent will be filed. Supporting shipper(s): Armin Corp., 414 Alaska Avenue, Torrance, CA 90500. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oregon 97204.

MC 129759 (Sub-29TA), filed July 2, 1979. Applicant: TRIANGLE TRUCKING CO., P.O. Box 490, McKees Rocks, PA 15136. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Contract; irregular: (1) *Transformers and transformer parts, from the facilities of RTE Corp. at or near Waukesha, WI to points in and east of NM, IA, MO, AR, and LA, and (2) materials, equipment, and supplies used in the manufacture of transformers and transformer parts, from points in the destination states specified in (1) above to the facilities of RTE Corp. at or near Waukesha, WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): RTE Corp., 1900 E. North St., Waukesha, WI 53186. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.*

MC 129768 (Sub-4TA), filed May 30, 1979. Applicant: H. R. KESTERSON, d.b.a. GALAXY LIMOUSINE SERVICE, 948 McDowell Dr., Dover, DE 19901. Representative: Chester A. Zyblut, 1030, 15th St. NW., Washington, DC 20005. *Passengers and their baggage, transporting not more than 11 passengers in any one vehicle, in special operations, between Seaford and Dover, DE, on the one hand, and, on the other, Baltimore, MD and points in its commercial zone, for 90 days. An underlying ETA seeks 90 days. Supporting shipper(s): R. P. White, SFCUSA, U.S. Army Recruiting Service, Blue Hen Mall, Dover, DE 19901; W. F. Plack, Jr, PNC USNR, Navy Recruiting Service, 210 Blue Hen Mall, Dover, DE 19901; and Gary M. Morris, Tsgt, U.S. Air Force Recruiting Svc., 217 Blue Hen Mall, Dover, DE. Send protests to: W. L. Hughes, DS, ICC, 1025 Federal Bldg., Baltimore, MD 21201.*

MC 133189 (Sub-28TA), filed May 23, 1979. Applicant: VANT TRANSFER, INC., 5075 Northeast Mulcare Drive, Minneapolis, MN 55421. Representative: John B. Van de North, Jr., c/o Briggs and Morgan, 2200 First National Bank Building, St. Paul, MN 55101. *Iron and steel articles from St. Louis, MO, East St. Louis and Cahokia, IL to the facilities of FMC Corporation located at Cedar Rapids, IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): F. M. C. Corporation, 1201 6th Street, Southwest, Cedar Rapids, IA 52406. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.*

MC 133189 (Sub-29TA), filed July 12, 1979. Applicant: VANT TRANSFER, INC., 1229 Osborne Road, Minneapolis, MN 55432. Representative: John B. Van de North, Jr., c/o Briggs and Morgan, 2200 First National Bank Building, St. Paul, MN 55101. (1) *Roofing and insulating materials, from the facilities of G.A.F. Corporation located at Minneapolis, MN, to points in MT, ND, SD, NE, and IA, and from the facilities of G.A.F. Corporation located at Mount Vernon, IN and Joliet, IL, to points in MN, WI, IA, MI, and OH; (2) Sound deadening materials, felt or paper, saturated or unsaturated, from Joliet, IL, to points in MN, WI, IA, MI, and OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): GAF Corporation, General Traffic Manager, 1361 Alps Road, Wayne, NJ 07470. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.*

MC 133689 (Sub-286TA), filed June 29, 1979. Applicant: OVERLAND EXPRESS,

INC., 719 First Street Southwest, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Such commodities as are dealt in or used by a producer of canned goods (except commodities in bulk and frozen food), between the plantsites and/or facilities of Friday Canning Corporation at or near Richmond, Oakfield, Eden, Fond Du Lac, Gillett, Coleman, Sussex, and Shawano, WI, and points in the Continental United States in and east of ND, SD, NE, KS, OK, and TX, for 180 days. Supporting shipper(s): Friday Canning Corporation, 660 North Second Street, New Richmond, WI 54017. Send protests to: District Supervisor, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.*

MC 133689 (Sub-287TA), filed July 2, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street Southwest, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Pharmaceuticals, toilet preparations, materials, equipment and supplies used in the manufacture and distribution thereof (except commodities in bulk) between the facilities of American Home Products at or near Atlanta, GA, Andover, MA, Baltimore, MD, Buena Park, CA, Chicago, IL, Cleveland, OH, Dallas, TX, Kansas City, MO, Kent, WA, Lenexa, KS, Los Angeles, CA, Memphis, TN, Rouses Point, NY, Seattle, WA, Secaucus, NJ, South Plainfield, NJ, St. Paul, MN, Strongsville, OH, and Whiteland Township, PA, for 180 days. Supporting shipper(s): Ayerst Laboratories, Assistant Manager, Physical Dist., 685 Third Avenue, New York, NY 10017. Send protests to: District Supervisor, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.*

MC 133689 (Sub-291TA), filed July 6, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street Southwest, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Paper and paper products, of natural or synthetic fibers, and equipment, materials and supplies used in the manufacture or distribution of paper and paper products (except in bulk), (1) between Green Bay, Fond du Lac, Marinette and Oconto Falls, WI, and points in their commercial zones and points in the states of AL, AR, DE, GA, IA, IL, IN, KS, MI, MN, MO, ND, NE, NJ, NY, OH, OK, PA, SD, and TX; and (2) between Chicago, IL, and points in its commercial zone, and points in AL, AR, DE, GA, IA, IN, KS, MI, MN, MO, ND, NE, NJ, NY, OH, OK, PA, SD, TX, and*

WI, for 180 days. Supporting shipper(s): Scott Paper Company, Senior Transportation Project Manager, Scott Plaza, Philadelphia, PA 19113. Send protests to: District Supervisor, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 133689 (Sub-292TA), filed July 10, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street, Southwest, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Wallpaper pulp coloring, in drums*, from Camden, NJ to Defiance, OH, for 180 days. Supporting shipper(s): Borden Chemical, Division of Borden, Inc., 180 East Broad Street, Columbus, OH 43215. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 133689 (Sub-293TA), filed July 10, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street, Southwest, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, South St. Paul, MN 55118. *Meat, meat products, meat by-products and articles distributed by meat packinghouses as described in Sections A and C of Appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk)* from the facilities of Armour Processed Meats Co. at or near Louisville, KY and Pittsburgh, PA to points in the United States in and east of ND, SD, NE, KS, OK and TX, for 180 days. Supporting shipper(s): Armour Food Company, 111 West Clarendon Avenue, Greyhound Tower, Phoenix, AZ 85077. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 133689 (Sub-29TA), filed July 11, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street Southwest, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Glass containers, caps and enclosures for glass containers*, from the facilities of Brockway Glass Company, Inc., at or near Rosemount, MN, to IL, IA, MO, and WI, for 180 days. Supporting shipper(s): Brockway Glass Company, Inc., Traffic Manager, Rosemount, MN 55068. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

MC 133689 (Sub-295TA), filed July 5, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street, Southwest, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Electric ranges and*

microwave ovens from Sioux Falls, SD to points in and east of ND, SD, NE, KS, OK and TX, for 180 days. Supporting shipper(s): Litton Microwave Cooking Products, Litton Systems, Inc., 1405 Xenium Lane North, Minneapolis, MN 55441. Send protests to: District Supervisor, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 133689 (Sub-296TA), filed July 6, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street Southwest, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. (1) *Containers, container enclosures, paper, paper products, printed matter and packaging and packaging materials (except commodities in bulk); (2) Equipment, materials and supplies used in the manufacture, sale, service and distribution of the commodities described in Part I above (except commodities in bulk)*, between Chicago and Shelbyville, IL, Fort Worth, TX, Louisville, KY and Millville, NJ, on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK, & TX, restricted to shipments originating at or destined to Continental Bondware for 180 days. Supporting shipper(s): Continental Bondware, Div. Manager of Traffic, Methods, & Controls, 800 East Northwest Highway, Palatine, IL 60067. Send protests to: District Supervisor, ICC 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 133689 (Sub-297TA), filed June 27, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street, Southwest, New Brighton, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses and in connection therewith equipment, materials and supplies used in the conduct of such business (except commodities in bulk)* from Ottawa, OH, Muncie and Decatur, IN, and Hoopston, IL to Eau Claire and LaCrosse, WI, St. Paul, St. Cloud, Rochester, Mankato, Willmar, Duluth, Minneapolis and Hibbing, MN, Fargo, Grand Forks, Devils Lake, Williston, Minot and Bismarck, ND, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pacific Gamble Robinson, P.O. Box 3687, Seattle, WA 98124. Send protests to: D/S, ICC, 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.

MC 133689 (Sub-298TA), filed June 27, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street, Southwest, New Brighton, MN 55112. Representative:

Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Trailers, boat or recreational vehicle carrying, and parts and accessories thereto* from West St. Paul, MN to Jacksonville, FL and points in IL, MI, NJ, NY, OH and PA, for 180 days. Supporting shipper(s): Spartan Trailer Company, Marie Avenue, West St. Paul, MN 55118. Send protests to: D/S, ICC, 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.

MC 134319 (Sub-11TA), filed July 13, 1979. Applicant: BRAAFLADT TRANSPORT COMPANY, 501 N. Broadway, P.O. Box 1065, Dimmitt, TX 79027. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. *Anhydrous ammonia, in bulk, in tank vehicles*, from the facilities of Center Plains Industries, Inc., at or near Sheerin, TX, to points in OK, KS, CO, and NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Center Plains Industries, Inc., P.O. Box 7970, Amarillo, TX 79109. Send protests to: Martha A. Powell, T/A, ICC, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 134319 (Sub-12TA), filed July 14, 1979. Applicant: BRAAFLADT TRANSPORT COMPANY, 501 N. Broadway, Dimmitt, TX 79027. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. *Anhydrous ammonia and ammonia nitrates* from the facilities of N-Ren Corporation at or near Carlsbad, NM, to points in AZ, TX, CO and NM, for 180 days. An underlying ETA seeks 90 days authority filed. Supporting shipper(s): N-Ren Corporation, Drawer H, Carlsbad, NM 88220. Send protests to: Martha A. Powell, Trans. Asst., ICC, Room 9A27 Fed. Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 134319 (Sub-13TA), filed July 25, 1979. Applicant: BRAAFLADT TRANSPORT COMPANY, P.O. Box 1065, Dimmitt, TX 79027. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. *Anhydrous ammonia, in bulk, in tank vehicles*, from the facilities of NAPCO Pipeline, at or near Mocane, OK to points in KS, TX, and CO for the account of Agrico Chemical Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Agrico Chemical Co., P.O. Box 3166, Tulsa, OK 74101. Send protests to: Martha A. Powell, TA, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 134349 (Sub-29TA), filed June 18, 1979. Applicant: B.L.T. CORPORATION, 405 Third Avenue, Brooklyn, NY 11215. Representative: Eugene M. Malkin, Suite 1832—2 World Trade Center, New York, NY 10048. *Contract carrier, irregular*

routes: *Iron and steel pipe fittings (except those which because of size or weight require the use of special equipment)*, from the facilities of Tube-Line Corporation at or near Long Island City, NY, to points in AL, AZ, CA, CO, FL, GA, ID, IL, IA, KY, LA, MI, MN, MO, MT, NE, NV, NM, NC, OH, OK, OR, PA, SC, TN, TX, UT, VA, WA, WV, WI, and WY, under a continuing contract(s) with Tube Line Corporation of Long Island City, NY; for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tube-Line Corporation, 48-11, 20th Avenue, Long Island City, NY 11105. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

MC 135078 (Sub-56TA), filed July 9, 1979. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. *Felt base carpet vinyl samples and adhesives (except in bulk)* from the facilities of G. A. F. Corporation at Whitehall (Lehigh County), PA to points in AR, AZ, CO, IA, KS, LA, MS, NE, NM, OK, TX, UT and WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): G. A. F. Corporation, 1361 Alps Road, Wayne, NJ 07470. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 135078 (Sub-57TA), filed July 9, 1979. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. *Floor tile and materials and supplies used in the installation and maintenance thereof* from the facilities of G. A. F. Corporation at Vails Gate, NY to points in CO, IA, KS, LA, MO, NE, OK and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): G. A. F. Corporation, 1361 Alps Road, Wayne, NJ 07470. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 135078 (Sub-58TA), filed July 9, 1979. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. *Floor coverings and materials and supplies used in the installation and maintenance thereof* from the facilities of G. A. F. Corporation at Whitehall (Lehigh County), PA to points in IA, MO, and NE for 180 days. An underlying ETA seeks 90 days authority. Supporting

shipper(s): G. A. F. Corporation, 1361 Alps Road, Wayne, NJ 07470. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 135598 (Sub-26TA), filed June 14, 1979. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603. *Air compressors, air compressor parts, power pumps, power pump parts, machine parts I/S, engines internal combustion and rough castings*, from the facilities of Gardner-Denver Company at or near Quincy, IL to points in the states of CO, KS, NE, OK, TX, MN, MO, IA, LA, AR, MS, WI, TN, MI, IN, KY, AL, GA, SC, NC, VA, DC, WV, OH, PA, NY, NJ, MD, CT, and MA; and *materials used in the manufacture of air compressors, air compressor parts, power pumps, power pump parts, machine parts, I/S, engines internal combustion and rough castings*, in return for 180 days. An ETA has been granted for 90 days. Supporting shipper(s): Gardner-Denver Company, 1800 Garner Expressway, Quincy, IL 62301. Send protests to: Dave Hunt, T/A, 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 135598 (Sub-28TA), filed June 29, 1979. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603. *Chemicals, cleaning or scouring compounds, buffing or polishing compounds, in containers*, from Pearl, MS to points in IL, IA, IN, MI, MO, OH, and WI; restricted to traffic originating at the facility of American Cyanamid Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Cyanamid Company, Berdan Avenue, Wayne, NJ 07470. Send protests to: David Hunt, TA, Rm. 1386, 219 S. Dearborn, Chicago, IL 60604.

MC 135598 (Sub-29TA), filed July 17, 1979. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603. *Iron and steel and iron and steel articles*, from the facilities of Bethlehem Steel Corp., Burns Harbor, IN, and the facilities of United States Steel Corp., Gary, IN, to points in IL on and south of U.S. Hwy 30, and points in IN on and south of U.S. Hwy 30 and east of Interstate Hwy 35, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United States Steel Corp., 1000 E. 80th Place, Merrillville, IN 46410. Send protests to:

David Hunt, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 135989 (Sub-8TA), filed July 3, 1979. Applicant: COAST EXPRESS, INC., P.O. Box 1215, Whittier, CA 90609. Representative: William J. Lippman, 50 South Steele Street, Suite 330, Denver, CO 80209. *Contract: irregular: Frozen beef, in boxes*, from New York, NY; Philadelphia, PA; and Wilmington, DE, to points in PA, OH, IN, KY, IL, MI, WI, MN, IA, AR, and to Kansas City, KS and St. Louis, MO, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): A. J. Cunningham Packing Corp., 1776 Heritage Drive, Quincy, MA 02171. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 136008 (Sub-115TA), filed July 19, 1979. Applicant: JOE BROWN COMPANY, INC., 20 Third Street, N.E., Ardmore, OK 73401. Representative: John Tipsword, 2900 N. Shields Ave., Moore, OK 73153. *Alumina*, in bulk, in tank vehicles, from Gramercy, LA, to Emporia, KS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sauder Industries, Inc., 221 Weaver, Emporia, KS 66801. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 136168 (Sub-40TA), filed June 11, 1979. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 3326, Des Moines, IA 50316. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. *Contract authority—Meats, meat products, meat by-products and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk)*, from the facilities of Briggs and Company, a subsidiary of Wilson Foods Corporation, at Landover, MD, to points in IA, KS, MN, MO, NE and WI for 180 days. Restricted to the transportation of traffic originating at the above named origins and destined to the named destinations. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wilson Foods Corporation, 4545 Lincoln Blvd., Oklahoma City, OK 73105. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 136818 (Sub-83TA), filed July 3, 1979. Applicant: SWIFT TRANSPORTATION CO., INC., 335 W. Elwood Rd., Phoenix, AZ 85030. Representative: Donald Fernaays, 4040 E. McDowell Rd., Phoenix, AZ. *Detergents, fabric softeners and pool chemicals*, from the facilities of Georgia-

Pacific Corp. in Los Angeles County, CA to Houston, TX and Demopolis, AL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Georgia-Pacific Corp., 2425 Malt Ave., City of Commerce, CA 90040. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 136818 (Sub-84TA), filed July 11, 1979. Applicant: SWIFT TRANSPORTATION CO., INC., 335 W. Elwood Rd., Phoenix, AZ 85030. Representative: Donald Fernaays, 4040 E. McDowell Rd., Phoenix, AZ. *Iron and steel articles*, from Pueblo, CO to points in ID, KS, OK, NV, NM, MT, OR, TX, WA, WY and UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): C F & I Steel Corp., P.O. Box 316, Pueblo, CO 81002. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 136818 (Sub-85TA), filed August 1, 1979. Applicant: SWIFT TRANSPORTATION CO., INC., 335 W. Elwood Rd., Phoenix, AZ 85030. Representative: Donald Fernaays, 4040 E. McDowell Rd., Phoenix, AZ. *Bastnasite ore*, from the facilities of Molycorp located at Mountain Pass, CA to Beverly, Philo, Circleville, OH and York, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ohio Ferro Alloys Corp., P.O. Box 8228, Canton, OH 44711, Interlake Inc., 135th & Perry Ave., Chicago, IL 60627, R C A Picture Tube Division, 24200 S. U.S. 23, Circleville, OH 43113 and Molycorp, 350 N. Sherman St., York, PA 17403. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

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MC 135598 (Sub-27TA), filed June 22, 1979. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603. *Dry animal and poultry feed, dry animal and poultry mineral mixtures, animal and poultry tonics and medicines, insecticides, pesticides, livestock and poultry feeders and equipment (except liquid commodities in bulk)*, from Quincy, IL to points in AK, LA and MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Moorman Mfg. Co., 1000 N. 30th St., Quincy, IL 62301. Send protests to: David Hunt, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 136818 (Sub-78TA), filed June 29, 1979. Applicant: SWIFT TRANSPORTATION CO., INC., 335 W. Elwood Rd., Phoenix, AZ 85030. Representative: Donald Fernaays, 4040 E. McDowell Rd., Phoenix, AZ. *Meat, Meat products, meat by-products and articles distributed by meat packinghouses*, from commercial zone of Phoenix, AZ to points in CA, NV, UT, NM, CO, KS, OK, MO, TX, OR WA, AR, LA and MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Evans Meat Co., Rt. "L" Box 234 "B", Laveen, AZ 85339. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 136818 (Sub-79TA) filed July 3, 1979. Applicant: SWIFT TRANSPORTATION CO., INC., 335 W. Elwood Rd., Phoenix, AZ 85030. Representative: Donald Fernaays, 4040 E. McDowell Rd., Phoenix, AZ. *Bananas and agriculture commodities exempt from regulation under Section 10526A6 of the Interstate Commerce Act with the transportation of mixed loads with bananas*, from Gulf Port, MS and Galveston, TX to points in MO, KS, IA, OK, NB, MN, WI, TX, CO, AR and IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Castle and Cook Foods, P.O. Box 8743, Metairie, LA 70011. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 136818 (Sub-80TA), filed July 3, 1979. Applicant: SWIFT TRANSPORTATION CO., INC., 335 W. Elwood Rd., Phoenix, AZ 85030. Representative: Donald Fernaays, 4040 E. McDowell Rd., Phoenix, AZ. *Salt*, from Salt Lake County, UT to points in CO and NM, for 180 days. Supporting shipper(s): Morton Salt Division, Morton-Norwich Products, Inc., 110 N. Wacker Dr., Chicago, IL 60606. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 136819 (Sub-3TA), filed June 11, 1979. Applicant: SPIVEY, INC., P.O. Box 674, Franklin, VA 23851. Representative: Carroll B. Jackson, 1810 Vincennes Road, Richmond, VA 23229. Contract—irregular. *Lumber, and building materials* between Petersburg, VA and points in Dinwiddie County, VA on the one hand, and on the other, points in DE, MD, NJ, NC, PA, SC, WV and DC for 180 days. Applicant seeks 90 days authority in underlying ETA. Supporting shipper(s): Roper Bros. Lumber Co., Inc., 130 Pocahontas Street, Petersburg, VA 23803. Send protests to: Paul D. Collins,

DS, ICC, Room 10-502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 136819 (Sub-4TA), filed June 11, 1979. Applicant: SPIVEY, INC., P.O. Box 674, Franklin, VA 23851. Representative: Carroll B. Jackson, 1810 Vincennes Road, Richmond, VA 23229. Contract—irregular. *Lumber and Plywood* from Petersburg, Richmond and Suffolk, VA (and points in the commercial zones thereof) and those in Brunswick, Chesterfield, Dinwiddie, Hanover, Henrico, Louisa, Surry, and Sussex Counties, VA, and points in Beaufort, Bertie, Craven, Cumberland, Franklin, Gates, Halifax, Hertford, Nash, Northampton, and Wake Counties, NC, on the one hand, and, on the other, New York, NY (and points in the commercial zone thereof), points in Nassau and Suffolk Counties, NY, and points in DE, MD, NC, NJ, PA, VA, and DC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Payne & Gunderson Lumber Company, Inc., 20 East Tabb Street, Petersburg, VA 23803, Ron Auton, Assistant Treasurer. Send protests to: Paul D. Collins, DS, ICC, Room 10-502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 138328 (Sub-94TA), filed June 28, 1979. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I-80 and Highway 50, Omaha, NE 68137. Representative: J. F. Crosby, P.O. Box 37205, Omaha, NE 68137. *Tires, tubes and articles used in the distribution and installation of tires and tubes* from Des Moines, IA to points in AZ, CA, NV, and UT for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): R. J. Mitchell, General Traffic Manager, Armstrong Rubber Corp., 500 Sargent Drive, New Haven, CT 06507. Send protests to: District Supervisor Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 138328 (Sub-95TA), filed July 2, 1979. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, P.O. Box 37308, I-80 and Highway 50, Omaha, NE 68137. Representative: J. F. Crosby, P.O. Box 37205, I-80 and Highway 50, Omaha, NE 68137. *Lubricating oil* from the facilities of Texstar Automotive, Distribution Group, Quaker State Refining Corp. at or near St. Louis, MO to the facilities of Western Auto Supply Co. at Salina, KS and Temple, TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Western Auto Supply Company, 2107 Grand Ave., Kansas City, MO 64108, J. W. Dobyns, Traffic Manager. Send protests to: District Supervisor Carroll Russell, ICC,

Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 140829 (Sub-281TA), filed June 27, 1979. Applicant: CARGO, INC., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Representative: William J. Hanlon, Esq., 55 Madison Avenue, Morristown, New Jersey 07960. *Commodities as dealt in by wholesale and retail grocery and chain stores, plastic articles, chemicals and compressed gas in cylinders* from the facilities utilized by Dry Storage Corporation in Chicago, IL to points in CO, IA, KS, MA, MO, NE, NJ, NY, and PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): William H. Maund, Manager, Traffic & Distribution, Dry Storage Corporation, 2005 West 43rd Street, Chicago, IL 60609. Send protests to: District Supervisor Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 140829 (Sub-282TA), filed June 26, 1979. Applicant: CARGO, INC., P.O. Box 206, US Hwy 20, Sioux City, IA 51102. Representative: William J. Hanlon, Esq., 55 Madison Ave., Morristown, NJ 07960. *Coffee and beverage preparations (except in bulk, in tank vehicles)*, from Edgewater, NJ to points in IN, MN, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hills Bros. Coffee, Inc., Edgewater, NJ 07020. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 140829 (Sub-283TA), filed June 26, 1979. Applicant: CARGO, INC., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Representative: William J. Hanlon, Esq., 55 Madison Avenue, Morristown, New Jersey 07960. *Fresh and frozen meat from Palestine*, TX to points in the states of IL, IA, MO, NY, OH and PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Vernon V. Fritze, Jr., Calhoun Pkg. Co., Box 709, Palestine, TX 75801. Send protests to: District Supervisor Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 140829 (Sub-284TA), filed July 10, 1979. Applicant: CARGO, INC., P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: David L. King, same as above. *Meat, meat by-products used in the manufacturing of pet food* from Amarillo, TX to points in IL, IN, KS and OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Consolidated Pet Food Inc., P.O. Box 30488, Amarillo, TX 79120. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 140829 (Sub-285TA), filed July 12, 1979. Applicant: CARGO, INC. (formerly Cargo Contract Carrier Corp.), P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: David L. King, Vice President, same address as applicant. *Paper and paper products* from the facilities of Federal Envelope at Dallas, TX to points in IL, NJ, OK, and PA for 180 days. An underlying ETA seeks 90 days authority. Restricted to traffic originating at the named origins and destined to the named destination states. Supporting shipper(s): Federal Envelope, 14001 Inwood Road, Dallas, TX 75234. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 140829 (Sub-286TA), filed July 12, 1979. Applicant: CARGO, INC. (formerly Cargo Contract Carrier Corp.), P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: David L. King, Vice President, same address as applicant. *Paper and paper products* from Dallas, TX to points in IL, MA, MI, NJ, NY, OH and PA for 180 days. An underlying ETA seeks 90 days authority. Restricted to traffic originating at the named origins and destined to the named destinations. Supporting shipper(s): Drawing Board Greeting Cards, Inc., P.O. Box 220355, Dallas, TX 75222. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 140829 (Sub-287TA), filed July 16, 1979. Applicant: CARGO, INC. (formerly Cargo Contract Carrier Corp.), P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: David L. King, Vice President, same address as applicant. *Wire, cable and tape, and materials, equipment and supplies utilized in the manufacture and distribution of wire, cable, and tape (except in bulk in tank vehicles)* from the facilities utilized by Brand-Rex Company at or near Willimantic, CT to points in AR, IL and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Brand-Rex Company, Willimantic, CT 06226. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 140829 (Sub-288TA), filed July 17, 1979. Applicant: CARGO, INC. (formerly Cargo Contract Carrier Corp.), P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: David L. King, Vice President, same address as applicant. *Metal shelving, tables, check-out counters, and display cases* from the facilities of Maytex Manufacturing Company at or near Terrell, TX to points in IA, IL, MI, MN, NY, OH, and WI for 180 days. An underlying ETA seeks 90

days authority. Restricted to traffic originating at the named origins and destined to the named destination points. Supporting shipper(s): Maytex Manufacturing Company, 1210 Airport Road, Terrell, TX 75160. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 140869 (Sub-13TA), filed June 19, 1979. Applicant: KERRI TRUCKING, INC., 240 South River Street, Hackensack, NJ 07601. Representative: David Olsen, 116 Williams Avenue, Old Tappan, NJ. Contract, irregular. *Metal swimming pools and cabinets*, from Carlstadt, NJ to all points in the US, except AK and HI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kero Metals, Delta Industries, Inc., 99 Kero Road, Carlstadt, NJ. Send protests to: Joel Morrows, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 140869 (Sub-14TA), filed July 23, 1979. Applicant: KERRI TRUCKING, INC., 240 South River Street, Hackensack, NJ 07601. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Contract, irregular. *Flour, grains, beverage preparations, syrups, bread crumbs, and bakery products, and materials, equipment and supplies used in the manufacture and sale of the foregoing commodities (except commodities in bulk)*, between Ponchatula, LA; Vernon, CA; and Evansville, IN on the one hand, and on the other, points in the US (except AK and HI) under a continuing contract or contracts with Modern Maid Food Products, Inc., Garden City, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Modern Maid Food Products, 200 Garden City Plaza, Garden City, NY 11530. Send protests to: D/S Joel Morrows, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 142059 (Sub-82TA), filed June 18, 1979. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley, address same as applicant. *Iron and steel pipe*; from (1) Joliet, IL to Jackson and Detroit, MI and (2) Canton, OH to Joliet, IL for 180 days. An underlying ETA was granted for 90 days. Supporting shipper(s): Universal Pipe and Supply, Inc., P.O. Box 404, Joliet, IL 60434. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 142059 (Sub-83TA), filed June 18, 1979. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley, address same as applicant. *Enameled steel silos, loading and unloading devices, waste storage tanks,*

livestock feed bunkers, forage metering devices, animal waste spreader systems, manure spreaders and parts and accessories for the above named commodities from DeKalb and Eureka, IL and Vinton, IA to points in MN, IA, MO, AR, LA and all states east thereof; for 180 days. Supporting shipper(s): A. O. Smith Harvestore Products Co., 345 Harvestore Drive, DeKalb, IL 60115. Send protests to: Annie Booker, TA, ICC, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 142059 (Sub-84TA), filed June 26, 1979. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley, 1830 Mound Road, Joliet, IL 60436. *Lehrs* (ovens, glass annealing or decorating) or parts thereof from Uniontown, PA to Winchester, IN; Lancaster, Niles and Cleveland, OH; Lakeland, FL; Montgomery, AL; Englewood and Wharton, NJ; Toano, VA and Henryetta, OK for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): E. W. Bowman, Inc., Route 51 North, P.O. Box 849, Uniontown, PA 15401. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 142059 (Sub-85TA), filed July 11, 1979. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Rd., Joliet, IL 60436. Representative: Jack Riley, same address as applicant. *Steel fencing*, from Monessen, PA to points in VA, KY, IL, IA, MN and states east and north thereof, for 180 days. Supporting shipper(s): Acco Industries, Page Fence Division, 1st & River St., Monessen, PA 15062. Send protests to: Annie Booker, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 142059 (Sub-86TA), filed June 19, 1979. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley, address same as applicant. *Aluminum and aluminum articles* from McCook, IL to points in CT, DE, MA, ME, MD, NH, NJ, NY, OH, PA, RI, WV, VA and VT for 180 days. Supporting shipper(s): Reynolds Metals Co., Richmond, VA 23261. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 142398 (Sub-3TA), filed June 21, 1979. Applicant: FAST FORWARD, INC., 17 Delaware Avenue, West Long Branch, NJ 07764. Representative: Eugene M. Malkin, Suite 1832-2 World Trade Center, New York, NY 10048. *Contract, irregular. Such merchandise as is dealt in or used by retail department stores (except commodities in bulk)*, from Ridgefield, NJ to New York, NY, Philadelphia, PA and

Washington, DC and points in the commercial zones thereof, under a continuing contract (s) with S. H. Kress & Company of New York, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): S. H. Kress & Company, 114 Fifth Avenue, New York, NY 10011. Send protests to: Robert J. Latarewicz, TR&TS, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 142508 (Sub-92TA), filed June 25, 1979. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 So. 144th St., Omaha, NE 68137. Representative: L. N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Fruit and berry products (except in bulk)*, from the facilities utilized by Diamond Sunsweet at Grawn, MI to Bordontown, NJ; Middleboro, MA; N. Chicago, IL; Northeast, PA; and points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Diamond Sunsweet, P.O. Box 1727, Stockton, CA 95201. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 142508 (Sub-93TA), filed June 25, 1979. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 So. 144th St., Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Fruit and berry products (except in bulk)*, from the facilities of Diamond Sunsweet at Union City, CA to points in AZ, MN, ND, SD, OK, TX, UT, WI, CO, IL, IA, KS, MO, and NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Diamond Sunsweet, P.O. Box 1727, Stockton, CA 95201. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 142508 (Sub-94TA), filed June 26, 1979. Applicant: NATIONAL TRANSPORTATION, INC., 10810 So. 144th St., P.O. Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Such commodities as are dealt in by wholesale, retail and chain grocery and food business houses (except frozen commodities and commodities in bulk)* from the facilities of The Clorox Company at Kansas City, MO to points in NE and SD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Clorox Company, 1221 Broadway Street, Oakland, CA 94612 Beverly Ruth Mitchell, Staff Traffic Manager. Send protests to: District Supervisor Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 142508 (Sub-95TA), filed June 28, 1979. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South

144th Street, P.O. Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Frozen fruit and berry product (except in bulk)* from the facilities utilized by J. M. Smuckers Company in Los Angeles, CA and its commercial zone, Oxnard and Watsonville, CA to Bettendorf, IA; Kansas City, MO and its commercial zone; Memphis, TN; Orrville, OH; and points in IL, IN and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Rosalie Cranford, Distribution Manager, The J. M. Smucker Company, California Farm Products Div., 423 Salinas Road, Watsonville, CA 95076. Send protests to: District Supervisor Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 142508 (Sub-96TA), filed July 2, 1979. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th Street, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Pourable salad dressing (except frozen commodities and commodities in bulk)* from the facilities of Swiss Chalet Products Company (a wholly owned subsidiary of The Clorox Company) at Wichita, KS to Fredericksburg, VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Clorox Company, 1221 Broadway St., Oakland, CA 94612, Beverly Ruth Mitchell, Staff Traffic Manager. Send protests to: District Supervisor Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 142508 (Sub-97TA), filed July 5, 1979. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South 144th Street, P.O. Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Automotive parts (except in bulk)* from the facilities of Corning Distribution Company at Corning, AR to Reno, NV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Corning Distribution Co., 9666 Olive St., St. Louis, MO 63132. Send protests to: D/S Carroll Russell, Suite 620, ICC, 110 North 14th Street, Omaha, NE 68102.

MC 142508 (Sub-98TA), filed July 9, 1979. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th Street, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Paper and paper products, of natural or synthetic fibers, and materials, equipment and supplies used in the manufacture or distribution of paper and paper products* between Fond du Lac, Green Bay, Marinette and Oconto Falls, WI and Chicago, IL on the

one hand, and on the other, points in CO, IA, KS, MN, MO, ND, NE, OK and SD for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Scott Paper Company, Scott Plaza, Philadelphia, PA 19113. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 142508 (Sub-99TA), filed July 11, 1979. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th St., Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Frozen foods* from Los Angeles, CA and its commercial zone and Oxnard, CA to points in CO, CT, DC, IL, IN, IA, KS, MD, MA, MI, MN, MO, NE, NJ, NY, OH, PA and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Oxnard Frozen Foods Cooperative, P.O. Box 1427, Oxnard, CA 93032. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 142508 (Sub-100TA), filed July 12, 1979. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th St., Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Frozen foods* from Watsonville, Salinas and San Jose, CA to points in GA, MA, MO, MN, NY, ND, PA, SD, VA and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Naturipe Berry Growers, 305 Industrial Road, Watsonville, CA 95076. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 142508 (Sub-101TA), filed July 13, 1979. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th St., Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Fruit and berry products (except commodities in bulk)* (1) From Markham, WA to points in CA; (2) From North East, PA to points in ND and SD; (3) From Erie, PA and Boston, MA and its commercial zone to points in CO, IL, IA, IN, KS, KY, LA, MI, MO, MN, NE, ND, OH, OK, SD, TN, TX, and WI; (4) From Middleboro, MA to points in LA, OK, and TX, and (5) From Bordentown, NJ to points in LA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ocean Spray Cranberries, Inc., Water Street, Plymouth, MA 02360. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 142508 (Sub-102TA), filed July 18, 1979. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box

37465, 10810 South 144th St., Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Egg containers and related packaging materials* from Hammond, IN; Frankfort, IL; Chicago, IL and its commercial zone; Shakopee, MN; Red Bluff, CA; Cincinnati, OH; and Natchez, MS to Wakefield, NE for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Milton G. Waldbaum Company, 501 North Main St., Wakefield, NE 68784. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 143059 (Sub-99TA), filed July 3, 1979. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, Ky. 40232. Representative: John N. Nader, Atty., 1600 Citizens Plaza, Louisville, Ky. 40202. Lumber and wood products and accessories used in the installation thereof, from Eugene, Junction City, and Hillsboro, OR, to points in the U.S., in and east of ND, SD, NE, KS, OK, and TX, restricted to traffic originating at the facilities of Trus-Joist Corp. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Earl W. Quarles, Mgr. Customer Service, Trus Joist Corp., 195 No. Bertelsen Road, Eugene, OR 97402. Send protests to: Mrs. Linda H. Sypher, D/S, ICC, 426 Post Office Bldg., Louisville, Ky. 40202.

MC 143059 (Sub-100TA), filed July 17, 1979. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY. 40232. Representative: John M. Nader, Atty., 1600 Citizens Plaza, Louisville, KY. 40292. Lumber and wood products and accessories used in the installation thereof, from Eugene, Junction City, and Hillsboro, OR, to points in the U.S., in and east of ND, SD, NE, KA, OK, and TX, restricted to traffic originating at the facilities of Trus-Joist Corp. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Earl W. Quarles, Trus Joist Corp., 195 No. Bertelsen Rd., Eugene, OR 97402. Send protests to: Ms. Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY. 40202.

MC 143059 (Sub-101TA), filed July 18, 1979. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY. 40232. Representative: John M. Nader, Atty., 1600 Citizens Plaza, Louisville, KY 40402. Iron and Steel Articles, from the facilities of Century Tube, Inc., at or near Pine Bluff, AR to points in AL, AZ, CO, FL, GA, IA, KS, KY, LA, MN, MS, MO, NE, NM, NC, ND, OK, SC, SD, TN, TX, VA, and WV, restricted to the transportation of traffic originating at

the named facilities and destined to the said points. For 180 days. Supporting shipper(s): Don Woodruff, Century Tube, Inc., P.O. Box 7612, Pine Bluff, AR 71611. Send protests to: Ms. Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY. 40202.

MC 143478 (Sub-12TA), filed May 22, 1979. Applicant: G. P. THOMPSON ENTERPRISES, INC., P.O. Box 146, Midway, AL 35653. Representative: Terry P. Wilson, 420 So. Lawrence Street, Montgomery, AL 36104. Contract, irregular: *Malt beverages* (except in bulk), from Jacksonville, FL and its commercial zone, to the facilities of Capital City Beverage Co., of Troy, Inc., at or near Brundidge, AL, under contract with Capital City Beverage Co., of Troy, Inc., of Brundidge, AL; for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Capital City Beverage Co. of Troy, Inc., P.O. Box 38, Brundidge, AL 36010. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 143499 (Sub-3TA), filed July 13, 1979. Applicant: DOUBLE NICKEL TRANSPORT LTD., 50 South Main St., Pearl River, NY 10965. Representative: John L. Alfano, Esq. & Ray A. Jacobs, Esq., Alfano & Alfano, P.C., 550 Mamaroneck Avenue, Harrison, NY 10528. *Contract carrier, irregular routes: Chemicals, resins, and plastics, and supplies, materials and equipment used in their production (except in bulk and plastic pipe)*, (a) between McIntosh, Montgomery, Birmingham and Mobile, AL, on the one hand, and, on the other, all points in the US except AK, HI, ID, MT, NM, UT, and WY; and (b) between Farmingdale and Toms River, NJ, on the one hand, and, on the other, Los Angeles and San Francisco, CA; Portland and Milwaukie, OR, for 180 days; an underlying ETA seeks 90 days authority. Supporting shipper(s): Ciba-Geigy Corporation, Ardsley, NY 10502. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

MC 143739 (Sub-22TA), filed June 26, 1979. Applicant: SHURSON TRUCKING CO., INC., P.O. Box 147, New Richland, MN 56072. Representative: Michael L. Carter (same address as applicant). *Foodstuffs (except in bulk)* from the facilities of Anderson Clayton Foods TN, TX, UT and WI; from the facilities of Anderson Clayton Foods located at Jacksonville, IL to points in FL, GA, IN, IA, KY, MI, MN, NE, ND, OH, SD, TN, TX, UT and WI; and from the facilities of Anderson Clayton Foods located at Sherman, TX to points in AR, CA, FL, GA, IL, KS, MN, MO, NE, OH, TN and

UT, for 180 days. Supporting shipper(s): Anderson Clayton Foods Inc., P.O. Box 226165, Dallas, TX 75266. Send protests to: District Supervisor, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 143739 (Sub-23TA), filed July 2, 1979. Applicant: SHURSON TRUCKING CO., INC., P.O. Box 147, New Richland, MN 56072. Representative: Michael L. Carter (same address as applicant). *Paper and paper products, of natural or synthetic fiber, and materials, equipment and supplies used in the manufacture or distribution of paper and paper products (except in bulk)*, between Marinette, Green Bay, Oconto Falls, and Fond du Lac, WI, on the one hand, and, on the other, points in the states of IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, and SD, for 180 days. Supporting shipper(s): Scott Paper Company, Senior Transportation Project Manager, Scott Plaza I, Philadelphia, PA 19113. Send protests to: District Supervisor, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 143909 (Sub-8TA), filed June 20, 1979. Applicant: KIRBY TRANSPORT, INC., Sola Drive and East End Drive, P.O. Box 17, Gilberts, IL 60136. Representative: Stuart R. Mandel, 315 S. Beverly Drive, Suite 315, Beverly Hills, CA 90212. *Contract carrier: irregular routes: Equipment and supplies used by clinical, industrial, educational and research laboratories (except in bulk)*, from Gurnee, IL to Charlotte, NC, Stone Mountain, GA and Ocala and Miami, FL under a continuing contract with Scientific Products Division, American Hospital Supply Corp. for 180 days. Supporting shipper(s): American Hospital Supply Corp., 1430 Waukegan Road, McGaw Park, IL 60085. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 1440008 (Sub-2TA), filed July 6, 1979. Applicant: STORE TRANSFER & DELIVERY SERVICES, INC., 226 Mill Street, Poughkeepsie, New York 12601. Representative: Ronald I. Shapp, Esq., 450 Seventh Avenue, New York, NY 10001. *Contract carrier: irregular routes: Such merchandise as is dealt in by retail department stores (excluding commodities in bulk)*, between points in the New York, NY commercial zone, on the one hand, and, on the other, points in Columbia, SC; Flint and Lansing, MI; Evansville and Vincennes, IN; and Huntington, WV, for 180 days. An underlying ETA was granted for 90 days authority. Supporting shipper(s): J. W. Knapp, 300 S. Washington Ave., Lansing, MI 48914, Interstate Dept.

Stores Inc., P.O. Box 825, Latham, NY 12110, A. H. Brennon, P.O. Box 247, Columbia, SC. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 144549 (Sub-7TA), filed June 29, 1979. Applicant: PITTSVILLE SERVICES INC., 146 Daniels Avenue, Pittsfield, MA 01201. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *Contract carrier: irregular routes: Wood flour*, between the facilities of Genal Products Business Section, Plastics Division, General Electric Company located at Pittsfield, MA and the port of entry on the International Boundary Line located at Rouses Point, NY, restricted to shipments originating at or destined to Ste. Agathe, Quebec, Canada, under a continuing contract with Genal Products Business Section, Plastics Division, General Electric Company, for 180 days. An underlying ETA seeks authority for 90 days. Supporting shipper(s): Genal Products Business Section, Plastics Division, General Electric Company, 100 Woodlawn Avenue, Pittsfield, MA 01201. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 144609 (Sub-7TA), filed June 26, 1979. Applicant: ADAN J. DOMINGUEZ, d.b.a. DOMINGUEZ BROS., 1500 South Zarzamora Street, San Antonio, TX 78207. Representative: Kenneth R. Hoffman, 801 Vaughn Building, Austin, TX 78701. *Cement, in bags* from points in TX to points in CA for 180 days. An underlying ETA seeking 90 days authority filed. Supporting shipper(s): T. L. Adams Enterprises, 17232 Foley Dr., Yorba Linda, CA 92686. Send protests to: Opal M. Jones, Trans., Asst., I.C.C. Room 9A27 Fed. Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 144688 (Sub-27TA), filed June 18, 1979. Applicant: READY TRUCKING, INC., 4722 Lake Mirror Place, Forest Park, GA 30050. Representative: Lavern R. Holdeman, 521 South 14th St., Suite 500, Lincoln, NE 68501. *Animal and poultry feed, fish feed and corn products (except in bulk)* from the facilities of The Jim Dandy Company and its subsidiaries at or near Birmingham and Decatur, AL and Springfield, TN to points in the states of GA, LA, MS, NC, SC and TN (except points in TN from Springfield, TN) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Jim Dandy Company, P.O. Box 10687, Birmingham, AL 35202. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW., Rm. 300, Atlanta, GA 30309.

MC 144688 (Sub-28TA), filed June 18, 1979. Applicant: READY TRUCKING, INC., 4722 Lake Mirror Place, Forest Park, GA 30050. Representative: Lavern R. Holdeman, 521 South 14th St., Suite 500, Lincoln, NE 68501. *Scrap Plastics* from Birmingham, AL, Miami, FL and Murfreesboro, TN and points in their respective commercial zones to the facilities of ABC Polymers, Inc. at or near Atlanta, GA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): ABC Polymers, Inc., 2561 S. Ponte Vedra Blvd., Ponte Vedra Beach, FL 32082. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW., Rm. 300, Atlanta, GA 30309.

MC 144688 (Sub-29TA), filed June 25, 1979. Applicant: READY TRUCKING, INC., 4722 Lake Mirror Place, Forest Park, GA 30050. Representative: Lavern R. Holdeman, 521 S. 14th St., Suite 500, Lincoln, NE 68501. *Animal feed and animal feed ingredients (except in bulk)* from the facilities of Sunshine Mills, Inc. at or near Red Bay, AL and Tupelo, MS to points in the states of FL, GA, KY, OH and TN for 180 days. Supporting shipper(s): Sunshine Mills, Inc., P.O. Drawer S., Red Bay, AL 35582. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW, Rm 300, Atlanta, GA 30309.

MC 144688 (Sub-30TA), filed July 12, 1979. Applicant: READY TRUCKING, INC., 4722 Lake Mirror Place, Forest Park, GA 30050. Representative: Lavern R. Holdeman, 521 S. 14th St., (P.O. Box 81849), Lincoln, NE 68501. *Sugar* from the facilities of Godchaux Hendersen Sugar Co., Inc. at or near Kenner and Reserve, LA to points in AL, AR, FL, GA, MS, NC, SC and TN for 180 days. Supporting shipper(s): Godchaux Hendersen Sugar Co., Inc., P.O. Drawer AM, Reserve, LA 70084. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW, Rm 300, Atlanta, GA 30309.

MC 144888 (Sub-8TA), filed May 25, 1979. Applicant: BIL-RIC TRANSPORT SYSTEMS, INC., 130 Somerset Street, Somerville, NJ 08876. Representative: Joel J. Nagel, 19 Back Drive, Edison, NJ 08817. *Contract carrier, irregular routes* for 180 days. Office equipment, supplies and plastic articles and materials used in their manufacture. (1) From St. Petersburg, FL to Park Ridge, NJ with a stop off at Bardstown, KY. (2) Between Park Ridge, NJ on the one hand, and, on the other, Rochester, NY. An underlying ETA seeks 90 days authority. Supporting shipper(s): Burroughs Corporation, 78 Park Avenue, Park Ridge, NJ 07656. Send protests to: Irwin Rosen, TS, ICC, 744

Broad Street, Room 522, Newark, NJ 07102.

MC 145428 (Sub-2TA), filed July 5, 1979. Applicant: CLIFF REED, Rt. 1, Box 510, Corvallis, MT 59828. Representative: John D. Greef, Recht & Greef, P.O. Box 149, Hamilton, MT 59840. Contract carrier-irregular routes: Lumber from MT, ID, WA, and OR to points in ND and SD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fox Lumber Sales, Inc., P.O. Box 1021, Hamilton, MT 59840. Send protests to: Paul J. Labane, DS, ICC., 2602 First Avenue North, Billings, MT 59101.

MC 145869 (Sub-3TA), filed June 22, 1979. Applicant: WILLIS TRUCKING CO., INC., Route 2, Willis, VA 24380. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. (1) *New Furniture and Pictures* from the facilities of Bassett Mirror Company, Inc., at Bassett and Philport, VA to points in AZ and NV for 180 days and; (2) *Glass*, from the facilities of PPG Industries at or near Cumberland, MD; Mt. Holly Springs, PA, and Wichita Falls, TX to the facilities of Bassett Mirror Company, Inc. at Bassett and Philport, VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bassett Mirror Company Inc., P.O. box 627, Bassett, VA 24055. Send protest to: Charles F. Myers, DS, ICC, Room 10-502 Federal Bldg., 400 North 8th Street Richmond, VA 23240.

MC 145869 (Sub-4TA), filed July 12, 1979. Applicant: WILLIS TRUCKING CO., INC., Route 2, Willis, VA 24380. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *New Furniture*, from the facilities of Pulaski Furniture Corp. at Dublin, Martinsville, and Pulaski, VA to points in AZ, CA, CO, NV, OR, UT and WA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pulaski Furniture Corp. Pulaski, VA. Send protests to: Charles F. Myers, DS, ICC, Room 10-502, Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 145999 (Sub-4TA), filed July 3, 1979. Applicant: WESTERN DRYWALL TRANSPORT, INC. d.b.a. WESTERN DIRECT TRANSPORT 2001 Broadway, Vallejo, CA 94590. Representative: Ronald D. Davis (same address as applicant). Ph (707) 552-8777. *Gypsum Wallboard and materials and supplies used in the installation of Gypsum Wallboard*, from Sigurd, UT to points in CA and NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): UWS Materials & Supply Co., Inc., 2001 Broadway, Vallejo, CA 94590. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105

MC 146218 (Sub-1TA), filed June 22, 1979. Applicant: REMO G. RICCI d.b.a. RICCI BROTHERS TRUCKING, 600 Stage Gulch Road, Petaluma, CA 94952. Representative: Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, CA 94111. Ph (415) 986-1414. *Agricultural commodities in bulk* between points in CA and North of San Luis Obispo, Kern and San Bernardino counties, on the one hand and, on the other, points in Douglas, Lyon, Churchill, Storey, Humboldt, Pershing and Washoe counties, NV, for 180 days. Supporting shipper(s): Ivy Branches, Inc., Yerington, NV. Cockeye Ranches, Orivada, NV. Send protests to: A. J. Rodriguez/ 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 146329 (Sub-6TA), filed July 2, 1979. Applicant: W-H TRANSPORTATION CO., INC., P.O. Box 1222, Wausau, WI 54401. Representative: Wayne Wilson, 150 E. Gilman St., Madison, WI 53703. *Animal and poultry feeding equipment* from facilities of Klein Mfg. Corp. at Burlington, IA to points in AL, FL, GA, IL, IN, KS, KY, LA, MN, MO, NE, OH, OK, TN and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Klein Mfg. Corp., P.O. Box 807, Burlington, IA 52601. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 146389 (Sub-1TA), filed June 15, 1979. Applicant: RENO & SONS, INC., Route 1, Box 324, Warrior, AL 35180. Representative: E. S. Reno, Jr., 1854 Fultondale Apt. Road, Fultondale, AL 35068. *Ground Fire Clay* in dump vehicles, from Birmingham, AL to Cordele, GA, VIA I-65, I-85, and HWY 280. From Andersonville, GA to Birmingham, AL, VIA HWY 26, 280, I-85, and I-65. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Cupola & Foundry Service Corp., 2910 Crescent Avenue, Birmingham, AL 35209. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616-2121 Building, Birmingham, AL 35203.

MC 146518 (Sub-2TA), filed June 6, 1979. Applicant: OWEN MOTOR FREIGHT LINES, INC., P.O. Box 7516, Alexandria, LA 71306. Representative: B. J. Owen (same address as applicant). Applicant is seeking authority to operate as a *common carrier over irregular routes transporting Acrylics, and plastic resins, in bags, boxes, or sheets, not in liquid bulk*, from points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI to points in CT, GA, IN, IL, KY,

LA, MD, MA, MI, NJ, NC, NY, OH, PA, SC, and TX, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): Plexchem International, Inc., 5 Beechwood Court, Dix Hill, NY 11746. Send protests to: Robert J. Kirspeel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 146518 (Sub-3TA), filed June 22, 1979. Applicant: OWEN MOTOR FREIGHT LINE, INC., P.O. Box 7516, Alexandria, LA 71306. Representative: Bruce E. Mitchell, SERBY & MITCHELL, P.C., 3390 Peachtree Road, N.E., Atlanta, GA 30326. *Chemicals, wood fillers, patching compound and preservatives, except commodities in bulk, in tank vehicles*, from Pineville, LA and Lithonia, GA to St. Louis, MO; Doe Run, KY; and points in NC, SC, GA, AL, MS, LA, TX, and FL and (2) *materials, equipment and supplies used in the production and distribution of plywood*, on return, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): Willamette Company, P.O. Box 1183, Pineville, LA 71360. Send protests to: Robert J. Kirspeel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 146578 (Sub-7TA), filed July 2, 1979. Applicant: PALMETTO MOTOR LINES, INC., 7153 Lone Oak Road, Spartanburg, SC 29303. Representative: Nina G. Shults, P.O. Box 6445, Spartanburg, SC 29304. *Foodstuffs*, from the facilities of Bruce Foods, Inc. at or near Lozes, LA to points in MS, AL, FL, GA, NC, and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bruce Foods, Inc., P.O. Drawer 1030, New Iberia, LA 70560. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens St., Columbia, SC 29201.

MC 146858 (Sub-3TA), filed June 25, 1979. Applicant: AMHERST ENTERPRISES, INC., 9 East Pleasant Street, Amherst, Massachusetts 01002. Representative: Patrick A. Doyle, 60 Robbins Road, Springfield, MA 01104. Contract carrier: irregular routes: *Beer*, from Newark, NJ and Philadelphia, PA to points in ME, NH, VT, MA, CT and RI, for 180 days. An underlying ETA was granted for 90 days. Supporting shipper(s): Lion Distributors, Inc., 54 Hermon Street, Worcester, MA 01600. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 146918 (Sub-1TA), filed June 6, 1979. Applicant: N & N CHARTER TOURS d.b.a. CAREFREE BUS SERVICE, P.O. Box 8152, Haledon, NJ 07508. Representative: Edward F. Bowes,

Esq., 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Common, regular. *Passengers and their baggage in same vehicle with passengers.* Between Lyndhurst, NJ and New York, NY from Lake Ave. and Orient Way in Lyndhurst over Orient Way to Rutherford Avenue, then over Rutherford Avenue and ramps to NJ 3, then over NJ 3 to Int. 495 and Lincoln Tunnel ramps to Lincoln Tunnel, then via the Lincoln Tunnel to New York, NY and return over the same routes, serving no intermediate points and serving Lyndhurst, NJ for the purpose of joinder only at Lake Avenue and Orient Way, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): None. Send protests to: Joel Morrows, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 147128 (Sub-1TA), filed June 12, 1979. Applicant: IRISH TRANSPORTATION, INC., P.O. Box 741, Dublin, GA 31021. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. *Newsprint paper, waste newspapers, cores and other supplies, materials and equipment, excluding materials in bulk, used in the manufacture or distribution of newsprint from Laurens County, GA to points in AL, AR, FL, GA, IL, IN, KY, LA, MD, MS, MO, NC, OH, OK, PA, SC, TN, TX, VA and WV and from the points above to Laurens County, GA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Southeast Paper Manufacturing Co., P.O. Box 1169, Dublin, GA 31021. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree ST., N.W., Rm. 300, Atlanta, GA 30309.*

MC 147288 (Sub-1TA), filed June 29, 1979. Applicant: FREIGHT OPERATIONS, INC., 165 Campus Plaza, Raritan Center, Edison, NJ 08817. Representative: Henry J. Capro, Esq., 1585 Morris Avenue, Union, NJ 07083. *Contract carrier, irregular routes for 180 days. Tires, tire tubes, rims and wheels, batteries, battery acid, oil, oil filters, shock absorbers (except commodities in bulk or tank vehicles) from NJ to points in CT, DE, MD, NJ, NY, PA, MA and Washington, DC. An underlying ETA seeks 90 days authority. Supporting shipper(s): Delta Tire Corp. 65 Brunswick Avenue, Edison, NJ 08817. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.*

MC 147319 (Sub-1TA), filed March 28, 1979. Applicant: LUCKEY TRUCKING, INC., RR 5, Streator, IL 61364. Representative: James R. Madler, 120 West Madison Street, Chicago, IL 60602. *Sand, in bulk, from Troy Grove, IL and Bridgman, MI to points in IL, IN, OH, MI and Louisville, KY, for 180 days. Supporting shipper(s): Manley Bros.,*

P.O. Box 538, Chesterton, IN 46304. Send protests to: Annie Booker, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 147328 (Sub-1TA), filed May 17, 1979. Applicant: CLIFTON TRUCKING CORPORATION, 101 Broad Avenue—P.O. Box 146, Fairview, NJ 07022. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract, irregular. Swimming pools, file and storage cabinets, and radiator enclosures and convectors, and materials and supplies used in the manufacture and sales thereof on return, from Carlstadt, NJ to all points in the U.S. East of the Mississippi River, and LA, MN, OK & TX, for 180 days. An underlying ETA will be filed seeking 90 days authority. Supporting shipper(s): Kero Metal Products Company, Delta Metal Products Co., Inc., Aqualine Industries, Inc., 99 Kero Road, Carlstadt, NJ 07072. Send protests to: Joel Morrows, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.*

MC 147328 (Sub-2TA), filed July 5, 1979. Applicant: CLIFTON TRUCKING CORPORATION, 101 Broad Avenue, Fairview, NJ 07022. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier, irregular routes for 180 days. Candy and confectionery from Champlain, NY to Atlanta, GA, Jacksonville, FL, Chicago, IL, Indianapolis, IN, Los Angeles, CA, Minneapolis, MN, and Memphis and Chattanooga, TN. An underlying ETA seek 90 days authority. Supporting shipper(s): Dalt International, Inc., 360 Sylvan Avenue, Englewood Cliff, NJ 07632. Send protests to: Joel Morrows, DS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.*

MC 147329 (Sub-1TA), filed May, 15, 1979. Applicant: ALL STATE TRANSPORT, INC., 16854 Mooncrest Dr., Encino, CA 91436. Representative: William Davidson, 2455 E. 27th St., Los Angeles, CA 90058. *Contract: Irregular: Ferrous & non-ferrous metals raw, in ingots, blanks & other unfinished shapes, and metal articles ferrous & non-ferrous, between California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Texas, Utah, Washington and Arizona, for 180 days. Supporting shipper(s):*

Capitol Metals Co., Inc., 261 South Vasco Road, Livermore, CA 94550. California Steel Works, Inc., 5723 Naylor Avenue, Livermore, CA 94550.

Send protests to: Irene Carlos, P.O. Box 1551, Los Angeles, CA 90053.

MC 147339 (Sub-2TA), filed May 9, 1979. Applicant: MID-NORTHERN TRANSFER CO., Box 141, Grand Ridge, IL 61325. Representative: Michael W.

O'Hara, 300 Reisch Building, Springfield, IL 62701. *Sand, in bulk, from points in LaSalle County, IL to the facilities of Thatcher Glass Manufacturing Co., Division of Dart Industries, at Lawrenceburg, IN for 180 days. Supporting shipper(s): Thatcher Glass Manufacturing Co., P.O. Box 265, Elmira, NY 14902. Send protests to: David Hunt, Transportation Assistant, 219 S. Dearborn St., Room 1386, Chicago, IL 60604.*

MC 147348 (Sub-1TA), filed June 19, 1979. Applicant: SOUTHWEST FREIGHT DISTRIBUTORS, INC., 1320 Henderson, North Little Rock, AR 72114. Representative: James M. Duckett, 927 Pyramid Life Bldg., Little Rock, AR 72201. *Underlying ETA seeks corresponding authority for 90 days. General commodities (with the usual exceptions) between Little Rock, AR and all points in Clark, Sebastian, Hot Spring, Garland, Saline, Jefferson, Arkansas, Lonoke, Perry, Monroe, White, Jackson, Faulkner, Pope, Johnson, Conway, Crawford, Craighead, Union, Drew, Bradley, Calhoun, St. Francis, Cross, Benton, Washington, Sevier, Carroll, Boone, Baxter, Van Buren, Cleburne, Independence, Lawrence, Clay, Green, Mississippi, Crittenden, Woodruff, Prairie, Desha, Lincoln, Chicot, Ouachita, Nevada, Hempstead, Miller, Dallas, Columbia, Franklin, and Phillips Counties, AR, restricted to traffic having a prior or subsequent movement by rail in piggyback service for 180 days. Supporting shipper(s): Approximately 10 shippers. Send protests to: William H. Land, Jr., DS, 3108 Federal Bldg., Little Rock, AR 72201.*

MC 147399 (Sub-1TA), filed June 26, 1979. Applicant: JACK B. ROBERTSON d.b.a. J. R. TRANSPORT, 1946 Davis Street, San Leandro, CA 94577. Representative: Jack Robertson (same address as applicant). *Contract carrier, irregular routes: Such commodities as are dealt in by department stores or mail order houses (except commodities in bulk, and commodities requiring special equipment) between San Leandro and Oakland, CA on the one hand and Portland, OR on the other, for 180 days. RESTRICTED to service performed under a continuing contract with Montgomery Ward. An underlying ETA seeks 90 days authority. Supporting shipper(s): Montgomery Ward & Co., 2825 E. 14th Street, Oakland, CA. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.*

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-28905 Filed 8-28-79; 8:45 am]
BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register

Vol. 44, No. 169

Wednesday, August 29, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

Chairman Marvin S. Cohen
Member Richard J. O'Melia
Member Elizabeth E. Bailey

[S-1687-79 Filed 8-27-79; 3:14 pm]

BILLING CODE 6320-01-M

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[M-239 amdt. 7; August 23, 1979]

CIVIL AERONAUTICS BOARD.

Notice of deletion of items from the August 23, 1979 Meeting Agenda.

TIME AND DATE: 9 a.m., August 23, 1979.

PLACE: Room 1027 (Open). Room 1011 (Closed). 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

11. Dockets 35464 and 34650; Final guidelines and procedures for essential air service determinations. (Memo #8753-B, OGC, BDA).

22A. Docket 30332, Agreements CAB 27769-R5 and -R6; Docket 30777, Agreements CAB 27770-R10 and -R11; Agreements among members of IATA setting interline service charges. (Memo #9048, BDA, OGC, BIA, BCP).

STATUS: Open (Item 11). Closed (Item 22a).

PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Item 11 was deleted from the August 23, 1979 meeting in order that the Board may have additional time to consider this item. This item will be rescheduled for August 31, 1979 meeting. Item 22a was deleted from the August 23 Board meeting because the issues raised in the proposed order were similar to those raised by the Petitions for Reconsideration of Order 78-8-87, IATA Agreements, Docket 28672. It was decided that both cases should be considered at the same time. Accordingly, the following Members have voted that Items 11 and 22a be deleted from the August 23, 1979 agenda and that no earlier announcement of these deletions was possible:

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[M-240; August 24, 1979]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9 a.m., August 31, 1979.

PLACE: Room 1027 (Open). Room 1011 (Closed). 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.

2. Amendment to Part 385 delegation to the Director, BCP, which makes explicit the authority to terminate investigations conducted under Part 305. (Memo #9070, BCP)

3. Docket 35284, Application of Chilcotin-Cariboo Aviation Ltd. for an initial foreign carrier permit to operate charters between Canada and the U.S. using small aircraft. (Memo #9074, BIA, OGC, BALJ)

4. Docket 35578, (Texas International Airlines, Inc., Enforcement Proceeding) Order 79-5-127—TXI's motion to disqualify the Board Members and to dismiss proceeding (OGC)

5. Dockets 35464 and 34650, Final guidelines and procedures for essential air service determinations. (Memo #8753-B, OGC, BDA)

6. Docket 25563, Termination of rulemaking on conformity between charter contracts and charter tariffs. (OGC)

7. Dockets 32636 and 33362; Former Large Irregular Air Service Investigation (Zantop International Airlines, Inc.)—Order on Discretionary Review. (Memo #9063, OGC)

8. Dockets 34582, 32711, and 33019; Southwest Airlines Automatic Market Entry Investigation, et al., Petition of Southwest Airlines for reconsideration of Order 79-7-106. (Memo #8987-A, OGC)

9. Docket 33019, Chicago-Midway Expanded Service Investigation. (OGC)

10. Docket 32830, Florida-Mexico City Service Investigation—Draft order. (Memo #7994-A, OGC)

11. Dockets 35707, 35890, 35919, 35897, and 35941; Houston-Brownsville Show Cause Proceeding and Applications of Continental, National, Ozark and Republic in Dockets 35890, 35919, 35897 and 35941, respectively. (Memo #8844-A, BDA)

12. Dockets 35746, 35954, 35960, 35681, 35746, 35957, and 35963; Corpus Christi-Houston/San Antonio Show Cause Proceeding and applications of Frontier, National, Ozark, Republic and USAir in Dockets 35954, 35960, 35681, 35746, 35957 and 35963 respectively. (Memo #8871-A, BDA)

13. Dockets 35836, 36000, 36012, 36013, and 36027; Dallas/Fort Worth-Little Rock Show Cause Proceeding. (Memo #8896-A, BDA)

14. Dockets 35579, 35761, 35762, 35769, 35772, 35774, 35775, 35776, 35780, and 35796; Denver-Sacramento-Fresno Show-Cause Proceeding, Continental, Western, Republic, Hughes Airwest, Ozark, Braniff, Northwest, Frontier, Trans World, Air California, Eastern, USAir, and Pacific Southwest; Applications for Denver-Fresno/Sacramento and Fresno-Sacramento Authority. (Memo #8778-A, BDA)

15. Dockets 34623, 34890, 34975, 35055, 35065, and 35557; United's application for Denver/Chicago-Orlando-Tampa-Sarasota-Fort Myers-West Palm Beach-Miami/Fort Lauderdale nonstop authority; Ozark's application for Denver/Chicago-Orlando/Tampa/Sarasota/Fort Myers/West Palm Beach/Fort Lauderdale nonstop authority and motion to consolidate; Continental's application for Denver-Orlando/Sarasota/Fort Myers/West Palm Beach and Chicago-Orlando/Tampa/Sarasota/Fort Myers/West Palm Beach/Miami/Fort Lauderdale nonstop authority and motion to consolidate; Western's application for Denver/Chicago-Orlando-Tampa-Sarasota-Fort Myers-West Palm Beach-Miami-Fort Lauderdale nonstop authority and motion to consolidate; National's application for Denver/Colorado Springs-Fort Lauderdale/Miami/Orlando/Tampa nonstop authority and motion to consolidate; Trans International's application (in part) for Chicago-Orlando/Tampa/Miami-Ft. Lauderdale nonstop authority and motion to consolidate (BDA)

16. Dockets 35597, 35598, 35599, 35600, 35601, and 35602; Applications of National Airlines for certificate authority under Subpart Q. (BDA)

17. Dockets 31651, 31783, 31896, 31905, 31911, and 31919; Meridian Air Cargo, Inc.; Pacific Aero, Inc., Nor-Cal Aviation, Inc., Georgia Air Freight, Inc., Air Trans Commuter, Inc., and Commercial Air Transport, Inc.—Revocation of Section 418 All-Cargo Air Service Certificates. (Memo #9073, BDA, OGC, BCP)

18. Dockets 34203 and 34666; USAir's and Ransome's Notices to Terminate Service at Catskill/Sullivan County, New York. (Memo #8535-F, BDA, OCCCR)

19. Dockets 34934, 36002, and 36273; Piedmont's 60- and 90-day notices to suspend service at New Bern/Morehead City, NC. (BDA)

20. Docket 34681, Interim Essential Air Transportation at Massena, Ogdensburg, Plattsburgh, Saranac Lake/Lake Placid, Watertown, New York and Rutland, Vermont. (BDA)

21. Docket 36358, Application of Air Florida, Inc., for an emergency exemption from section 401(j) to temporarily suspend service at Panama City on less than 90 days notice, and to suspend service in single-plane markets on less than 60 days notice. (BDA)

22. Dockets 32985, Agreement CAB 27456; Docket 34511, Agreement CAB 27794; Docket 31092, Agreements CAB 23870, 23870-A4, and 23870-A6; Agreements CAB 18923, 18923-A1, and 18923-A2; Agreements among members of the Air Traffic Conference of America concerning automated services provided to travel agents and customers. (Memo #9072, BDA, OGC)

23. Dockets 31290 and 21866-4; Notice of Proposed Rulemaking proposing options for eliminating the mandatory joint fare program established in Phase 4 of the *DPFI*. (Memo #9053, BDA, OGC, OEA, BIA, OCCR, BCP)

24. Docket 34138, In the Matter of Commuter/Certificated Joint Fares. (Memo #8311-F, OGC)

25. Agreement CAB 27337, *et al.*, Agreements for intercarrier division of joint fares. (BDA, OGC, BIA, BCP)

26. Section 302.300 *et seq.*—Notice of Proposed Rulemaking to amend the procedures under which the Board establishes interstate, overseas and foreign service mail rates. (BDA, OGC)

27. General five percent fuel-related cargo rate increases proposed by Braniff in its international markets. (BIA)

28. Docket 33886, Part 223 of the Board's Economic Regulations—Final Rule Allowing Unrestricted Free or Reduced-Rate Transportation for Travel Agents. (Memo No. 8737-A, OGC, OM, BDA)

29. Dockets 15359 and 16750; Redetermination of subsidy refunds under Class Rate III pursuant to the provisions of P.L. 95-504 (October 24, 1978). (Memo No. 1551-C, BDA, OC, OGC)

30. Docket 34071, Southeast Airlines, Inc.—request for waiver of certain provisions of section 291.11 of the Economic Regulations. (Memo No. 9069, BDA, OGC)

31. International passenger fares proposed by Pan American and TWA. (BIA)

STATUS: Open (Items 1-30). Closed (Item 31).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: This meeting will involve discussion of commercially sensitive data provided to the Board in confidence. This material is within exemption 4 and disclosure might violate the Criminal Trade Secrets Act as well as possibly diminish the Board's ability to obtain this kind of information in the future. Additionally, this meeting may affect present or future bilateral negotiations. Disclosure of U.S. positions, particularly to foreign governments could seriously compromise the United States Government's ability to achieve future bilateral understandings which would be in the best interests of the United States. Accordingly, the following Members have voted that public observation would reveal commercial or financial information obtained from a person and privileged or confidential within the meaning of exemption 9, could significantly frustrate future

action within the meaning of the exemptions provided under 5 U.S.C. 552b(c)(4)(9)(B) and 14 CFR 310b.5(4)(9)(B) and that the meeting will be closed:

Chairman Marvin S. Cohen
Member Richard J. O'Melia
Member Elizabeth E. Bailey

Persons Expected To Attend

Board Members.—Chairman, Marvin S. Cohen; Member, Richard J. O'Melia; Member, Elizabeth E. Bailey; and Member, Gloria Schaffer.

Assistants to Board Members.—Mr. David Kirstein, Mr. James L. Deegan, Mr. Daniel M. Kasper, and Mr. Stephen H. Lachter. Managing Director.—Mr. Cressworth Lander.

Executive Assistant to the Managing Director.—Mr. John R. Hancock.

Office of the General Director.—Mr. Michael E. Levine, Mr. Steven A. Rothenberg, and Mr. Mark S. Kahan.

Bureau of International Aviation.—Mr. Sanford Rederer, Mr. Jerry Nelson, Mr. Douglas V. Leister, Mr. Ivars V. Mellups, Mr. Richard M. Loughlin, Mr. Herbert P. Aswall, and Mr. John H. Kiser.

Office of the General Counsel.—Mr. Philip J. Bakes, Jr., Mr. Gary J. Edles, Mr. Kenneth G. Caplan, Ms. Carol Light, Mr. Michael Schopf, and Mr. Glen M. Bendixsen.

Office of Economic Analysis.—Mr. Robert H. Frank and Mr. Larry Manheim.

Bureau of Consumer Protection.—Mr. Reuben B. Robertson.

Office of the Secretary.—Mrs. Phyllis T. Kaylor, Ms. Deborah A. Lee, and Ms. Louise Patrick.

General Counsel Certification

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(4)(9)(B) and 14 CFR 310b.5(4)(9)(B) and that the meeting may be closed to public observation.

Phil Bakes, Jr.,

General Counsel.

[S-1688-79 Filed 8-27-79; 3:14 pm]

BILLING CODE 6320-01-M

3

COMMODITIES FUTURES TRADING COMMISSION.

TIME AND DATE: 11:00 a.m., September 7, 1979.

PLACE: 2033 K Street, N.W., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE

INFORMATION: Jane Stuckey, 254-6314.

[S-1684-79 Filed 8-27-79; 10:33 am]

BILLING CODE 6351-01-M

4

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

August 23, 1979.

TIME AND DATE: 2:00 p.m., August 30, 1979.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Knox County Stone Co., Inc., Docket No. DENV 79-359-PM (Petition for Discretionary Review).

2. United States Steel Corporation, Docket No. PITT 76-160-P, PITT 76-162-P (IBMA 77-33).

CONTACT PERSON FOR MORE

INFORMATION: Jean Ellen, 202-653-5632.

[S-1683-79 Filed 8-27-79; 10:33 am]

BILLING CODE 6820-12-M

5

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

Proposed Agenda for Meeting of the Board of Trustees.

DATE AND TIME: Monday, September 10, 1979, 10:00 a.m.

PLACE: 712 Jackson Place, N.W., Washington, D.C. 20006.

1. The call to order. Check quorum.
2. Adoption of Proposed Agenda.
3. Approval of Minutes of April 9, 1979 meeting.
4. Report of the Chairman.
 - a. Remarks on Annual Report, FY ending September 30, 1979.
 - b. Discussion of ETS.
 - c. Discussion of Doremus.
 - d. Status of Awards Ceremony and speaker, Sunday, May 4, 1980 at Harry S. Truman Library, Independence, Missouri.
 - e. Discussion of proposed date of next Board meeting, Monday, April 14, 1980 at 10:00 a.m. at the Foundation.
 - f. Resolution to empower Chairman to renew service contracts and conclude other Foundation business.
5. Report of the Executive Secretary.
 - a. Current status of Truman Scholars.
 - b. Selecting the Class of 1980.
 - c. Report on work-experience program.
 - d. Foundation operations.
 - e. New Business.
 - f. Date and place of next Board meeting.
 - g. Adjournment.

[S-1686-79 Filed 8-27-79; 12:12 pm]

BILLING CODE 6115-01-M

6

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, September 5, 1979.

PLACE: Hearing Room "A", Interstate Commerce Commission Building, 12th

Street and Constitution Avenue, N.W.,
Washington, D.C. 20423.

STATUS: Open Special Conference.

MATTERS TO BE CONSIDERED:

Motor Carrier Regulation:

- a. Motor Carrier Task Force Report
(Discussion of conceptual approach)
- b. Proposed procedures, Bulk Material
Carriers (Master Certificate)
- c. Other proposals which will facilitate
processing of operating rights cases
- d. Zone of Reasonableness

CONTACT PERSON FOR MORE

INFORMATION: Douglas Baldwin,
Director, Office of Communications,
Telephone: (202) 275-7252.

The Commission's professional staff
will be available to brief news media
representatives on conference issues at
the conclusion of the meeting.

[S-1665-79 Filed 8-27-79; 11:40 am]

BILLING CODE 7035-01-M

Best Conventional Pollutant Report

Wednesday
August 29, 1979

Part II

Environmental Protection Agency

Best Conventional Pollutant
Control Technology; Reasonableness of
Existing Effluent Limitation Guidelines

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 405, 406, 407, 408, 409, 411, 412, 418, 422, 424, 426, 427, 432

[FRL 1305-1]

Best Conventional Pollutant Control Technology; Reasonableness of Existing Effluent Limitation Guidelines

AGENCY: Environmental Protection Agency.

ACTION: Final rules.

SUMMARY: EPA publishes the results of its review of effluent limitations on conventional pollutants in certain industries. In some industries, effluent limitations representing "best conventional pollutant control technology" (BCT) are promulgated. These limitations will replace limitations representing "best available technology economically achievable" (BAT) previously established for conventional pollutants. In other industries, BAT limitations on conventional pollutants are withdrawn, and BCT limitations will be promulgated at a later date.

EPA initially proposed BCT limitations on August 23, 1978. At that time, the public was invited to comment on the proposed regulations, and a public meeting was held. The comments received from the public have all been reviewed and evaluated by EPA. They have been incorporated into this final rulemaking package.

DATE: The effective date of these regulations will be September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Ms. Emily Hartnell, Office of Analysis and Evaluation (WH-586), EPA, 401 M Street S.W., Washington D.C. 20460, 202-755-2484.

SUPPLEMENTARY INFORMATION:

1. Background

Legal Basis

On August 23, 1978, EPA published proposed "best conventional pollutant control technology" (BCT) for selected industries. The proposed regulations were developed in response to Section 304(b)(4)(B) of the 1977 Amendments to the Clean Water Act (CWA). Section 304(b)(4)(B) instructs EPA to determine BCT through an analysis of:

The reasonableness of the relationship between the costs of attaining a reduction in effluents and the effluent reduction benefits derived, and the comparison of the cost and level of reduction of such pollutants from the

discharge of publicly owned treatment works to the cost and level of reduction of such pollutants from a class or category of industrial sources.

The Act also specifies that additional consideration be given in making BCT determinations to the age of equipment, production process, energy requirements, and other appropriate factors.

BCT is not an additional effluent limitation for industrial dischargers, but rather it replaces "best available technology economically achievable" (BAT) for the control of conventional pollutants. BAT will remain in force for all non-conventional and toxic pollutants. Effluent limitations representing BCT may not be more stringent than BAT. However, BCT, like BAT, is subject to periodic review, and progress in waste treatment technology may warrant subsequent revision. In no case will BCT limitations be less stringent than limitations representing "best practicable technology currently available" (BPT).

Section 73 of the CWA of 1977 directs the Agency to review, immediately, all existing final or interim final BAT effluent guidelines for conventional pollutants in those industries not covered in the Settlement Agreement reached in *NRDC v. Train*, 8 ERC 2120 (D.D.C. 1976). These industries are often referred to as "secondary industries." This review was to be completed within 90 days of enactment of the Act.

2. Industries Covered by This Review

As directed by Congress, EPA has evaluated all BAT regulations for conventional pollutants which apply to industries not covered by the NRDC Settlement Agreement (those not listed in Table 2 of Committee Print No. 95-30 of the Committee on Public Works and Transportation of the House of Representatives). Thirteen secondary industry categories have final or interim final BAT effluent guidelines. These are listed in Tables 1 and 2. Complete analysis has not been carried out on all of the subcategories in these industries. In those cases where conventional pollutant BAT limitations are equivalent to BPT, no further analysis is necessary. Since BPT constitutes a floor below which BCT may not be established, all BAT limitations set at that point are reasonable, and are being promulgated as BCT. The 20 subcategories which fall into this group are listed in Table 1.

The 93 subcategories in Table 2 were studied further. Of the 93 subcategories, BAT regulations for 45 are not finally promulgated or are withdrawn for a variety of other reasons. BCT limitations will be set at a later date, and BPT alone

will remain in effect. In some instances, industry studies currently underway are expected to result shortly in the necessary data to establish new standards (the seafoods industry, the cane sugar subcategories of the sugar processing industry, and three subcategories in the fruit and vegetable processing industry). In other instances, data submitted by industry warrants further consideration (four subcategories in the meat processing industry, the beet sugar subcategory of the sugar processing industry, the frozen potato subcategory, and parts of the condensed milk and condensed whey subcategory). Adequate information is not currently available on industry operations to conduct the necessary analysis for duck feedlots. In a final case, some limitations in certain meat products subcategories have been remanded by a court for reconsideration, and BPT will be set at the conclusion of that process.

EPA expects to use the methodology employed in this BCT review when an analysis of conventional pollutant treatment requirements is conducted for the primary industries (those industries to be covered by the Consent Agreement). National BCT limitations will be proposed and promulgated along with BAT, pretreatment, and new source standards. The explicit application of the BCT methodology to each industry will be detailed at the time each regulation is proposed.

3. Pollutants Covered by the Review

Section 304(a)(4) of the Act specifies that conventional pollutants should include, but not be limited to, biochemical oxygen demanding pollutants (BOD5), total suspended solids (TSS), fecal coliform, and pH. The Agency, in a separate action, has designated oil and grease as a conventional pollutant (44 FR 44501, July 30, 1979) and this review of BAT effluent guidelines includes oil and grease in the analysis of reasonableness where appropriate. In the case of both fecal coliform and pH, the BAT regulations under review were in all cases equivalent to BPT regulations. Therefore, no further analysis has been performed on these pollutants, and BCT controls of pH and fecal coliform will be the same as BPT. Consequently, the pollutants considered in this review are BOD5, TSS, and oil and grease. If, at any time, pollutants are added or deleted from the conventional pollutant list, the Agency will reevaluate all effluent guidelines affected by such revisions.

4. Methodology for Determining Reasonableness of BAT Regulations

(a) *Background.* The objective of this review is to evaluate existing BAT limitations for the "secondary" industries to determine if they satisfy the criteria for BCT contained in section 304(b)(4)(B). That section, which requires a consideration of the "cost reasonableness" of effluent limitations for conventional pollutants, has necessitated the development of a wholly new methodology for evaluating existing effluent limitations and for developing subsequent BCT limitations.

In developing the methodology for this regulation, EPA was guided both by the statutory language of section 304(b)(4)(B) and by Congress' underlying objectives in establishing BCT. The legislative history makes it clear that Congress was concerned that requirements for the control of conventional pollutants beyond BPT may, in some cases, be unreasonably expensive. Congress recognized that at some point costs for such control begin to exceed associated "effluent reduction benefits", and thus established BCT to ensure that any limitations controlling conventional pollutants at a level more stringent than BPT were "reasonable".

This regulation satisfies those objectives. The core of the Agency's BCT methodology is a comparison of the costs of removing additional pounds of conventional pollutants for industry with comparable costs of removal for an average publicly owned treatment works (POTW). This cost figure for the POTW constitutes the basic measure of "reasonableness" established by the Act. As Senator Muskie noted:

The Administrator must determine whether or not the cost of achieving reductions of conventional pollutants bears a reasonable relationship to the amount of effluent reduction achieved. In making this determination, the Administrator is to compare the costs of industrial effluent reduction to the cost of municipal waste treatment.

There are, however, a range of additional factors which are significant in establishing BCT. EPA interprets and applies these factors as follows.

(1) BPT is the base point for evaluation of limitations on conventional pollutants. All costs beyond BPT associated with the control of conventional pollutants are used in the BCT evaluation. No limitation more stringent than BPT can be established as BCT if it fails the cost reasonableness comparison.

(2) Effluent reduction benefits, calculated in terms of additional pounds of conventional pollutants removed, are

directly incorporated in the cost per pound comparison.

(3) A uniform measure of reasonableness is established for all industries throughout the country. This ensures that no industry will be required to exceed a specified cost per pound for removal of conventional pollutants. In consequence, industries with high costs for removal of conventional pollutants, in many cases, will be subject to less stringent effluent limitations.

(4) A greater proportion of the total costs for control of conventional pollutants will now be allocated to industries and segments of industries comprised of large facilities. These facilities are able to remove conventional pollutants at the lowest cost.

(5) The final methodology results in the relief which Congress intended for control of conventional pollutants, and resolves the uneven impact of existing BAT limitations. Of the 93 industry subcategories evaluated in detail in this review, 22 have reasonable BAT limitations, 13 have unreasonable limitations, 6 have split determinations depending on the size of plant, 7 are not affected by this review because the BAT limitations in those cases are designed to control toxic pollutants, while the remaining 45 as noted above will require further analysis. For those subcategories in which BAT was found to be unreasonable, or requiring further analysis, EPA will undertake further study to develop appropriate BCT limitations.

These new limitations will result in a substantial reduction in expenditures for control of conventional pollutants. While this regulation covers only secondary industries, when the methodology is applied to the development of BCT limitations for the control of conventional pollutants in the primary industries, substantial additional savings will be realized.

(b) *The BCT Test.* The BCT test compares the cost for industry to remove a pound of conventional pollutants to the cost incurred by a POTW for removing a pound of conventional pollutants. If the industry cost for a specific technology is lower than the POTW cost, the test is passed and the level of control of conventional pollutants is considered reasonable. If the industry costs of removal are higher than the POTW costs, the test is failed, and BCT cannot be set at that level.

In the case of this Section 73 secondary industry review, the BCT test is applied to existing BAT requirements to determine if the existing promulgated regulations are reasonable. If the existing BAT limitation passes the test,

BCT is being promulgated as equivalent to the former BAT. If the BAT standard does not pass the test, the existing BAT is being withdrawn until an appropriate BCT can be set.

(1) *Calculation of Industrial Costs:* The incremental annual costs are calculated by determining the difference between the annual costs for a model plant representing an industrial subcategory to achieve BPT and the annual costs to achieve the candidate BCT for conventional pollutants. Annual costs include operation and maintenance expenses, capital costs, and depreciation. The data used by EPA in determining industrial costs for this review are drawn from the Agency Development Documents which were prepared for each of the affected industries (See Appendix A). The data are updated to 1976 dollars, so that they can be compared on a consistent basis.

(2) *Calculation of Industrial Pollutant Removal:* The incremental removal of conventional pollutants is calculated by determining the difference between the annual pounds of conventional pollutants removed after compliance with BPT and the pounds removed after compliance with the candidate BCT. The conventional pollutants subject to this review fall into two categories: suspended solids (TSS), and oxygen-demanding substances (BOD5 and oil and grease). To avoid "double counting" of the amount of pollutants removed, the incremental pounds removed from BPT to candidate BCT are calculated using only one pollutant from each group. In those cases where both BOD5 and oil and grease are subject to limitations, the pollutant with the greater amount of removal is included in the calculation. If a group is not represented in the effluent limitation guideline for the subcategory, then it is not included in the evaluation. Table 3 details the pollutants to be used in the calculation.

(3) *Calculation of the Industrial Ratio:* The ratio of incremental annual costs to incremental conventional pollutant removal is calculated as follows: (candidate BCT annual costs-BPT annual costs)/(candidate BCT pounds of conventional pollutants removed-BPT pounds of conventional pollutants removed)

This ratio represents the annual incremental cost to remove a pound of conventional pollutants beyond BPT in terms of dollars per pound.

(4) *Calculation of the Industrial Ratios in the Absence of BAT:* For those subcategories in which BAT limitations are unreasonable, and in those subcategories in which BAT has not been promulgated, the Agency will be

considering several candidate technologies for BCT. In evaluating the reasonableness of these candidates, EPA will use BPT as a starting point and determine the incremental costs and levels of pollutant removal from BPT to each of the candidate technologies. BCT will be promulgated based on the most stringent technology option which passes the reasonableness test, as well as the other factors specified in the Act.

(5) *Calculation of POTW Cost-Effectiveness Ratio:* A single cost reasonableness ratio for a POTW of average size was developed for comparison with industrial ratios. This figure was based on the costs of a POTW with a flow of two million gallons per day to upgrade its facility from secondary treatment (30 milligrams per liter (mg/l) of TSS, 30 mg/l of BOD₅) to advanced secondary treatment (10 mg/l of TSS, 10 mg/l of BOD₅). The resulting POTW cost reasonableness ratio is \$1.15 per pound (1976 dollars). This figure will be updated periodically to account for inflation. A detailed discussion of the calculation of the POTW ratio is contained in Appendix B.

(6) *Comparison of Industrial and POTW Ratios:* In order to determine whether or not the industrial regulation under review meets the BCT test, the ratio for the industrial subcategory is compared to the POTW ratio. This single POTW ratio is used for all industrial comparisons. In this review, if the industrial ratio is less than the POTW ratio, then a BCT limitation is promulgated at the BAT level. No further analysis is required. If the industrial ratio is greater than the POTW ratio, then the BAT requirements are determined to be unreasonable and are withdrawn. BCT limitations will be promulgated in such cases after further analysis of alternative, less stringent technologies.

5. Summary of Determinations

Table 4 summarizes the results of the review, and detailed discussion of the determinations for each industrial subcategory is presented in Appendix C.

Based on this review the Agency has determined that the BAT control of conventional pollutants for 22 subcategories are reasonable and BCT for these 22 subcategories are being promulgated as equal to the current BAT guidelines. Most of the subcategories that have been determined to be reasonable are in the Dairy, Grain Mills, and Fruits and Vegetable industries.

Thirteen of the subcategory regulations are judged unreasonable, and consequently, the Agency will withdraw the BAT effluent guidelines for conventional pollutants until the

proper levels of control can be determined. Regulations that are unreasonable are found in the Glass and Ferroalloys industries.

There are six industry subcategories where the limitations for one size model plant are reasonable, but unreasonable for another size, or where a portion of the subcategory is withdrawn pending further study. The BCT regulations will only cover the size range of plants where the limitations are reasonable, and exclude those plants where the limits are unreasonable. This was found in the Dairy and Fruit and Vegetable industries.

The Agency is suspending all 28 of the subcategories in the Seafood category. In a separate action, the limitations for these twenty-eight subcategories are being reviewed, and final BCT limitations will be promulgated at a later date.

Also in a separate action, the Agency has agreed with Fruit and Vegetable industry representatives to withdraw the three canned and preserved fruit and vegetable processing subcategories. This notice was published on June 20, 1979. 44 FR 36033 BCT limitations will be promulgated at a later date.

For one subcategory in the Feedlots industry (duck feedlots) the Agency does not have the necessary data to perform the cost test. As a result, the Agency is withdrawing the BAT limitation for the ducks subcategory until further analysis can be performed.

For four Meat industry subcategories (meat packing), portions of the BAT limitations not applying to conventional pollutants have been remanded by the courts. In one of these subcategories, the TSS limitations were also remanded. In response to this remand, these limitations are currently being reviewed. In the interim, the Agency is now withdrawing the remaining BAT limitations for BOD₅ and TSS. However, limitations for fecal coliform and pH in these subcategories are being retained because controls of these pollutants are the same at BPT and BAT. In the case of four additional Meat industry subcategories (meat processing), the Agency is conducting a review of the limitations beyond BPT, so BCT is not being promulgated at this time. The final limitations will be promulgated at a later date.

The two regulations for cane sugar refining are currently being reviewed as part of a court stipulation. Therefore, the Agency will not promulgate the final BCT determinations at this time.

Spokesmen for the beet sugar industry, the frozen potato processors, and portions of condensed whey and condensed milk producers have

submitted data on costs of BPT level treatment technology and the performance of that technology. On the basis of that data, the Agency wishes to conduct further review of potential limitations for this subcategory, and will not promulgate BCT limitations at this time.

Seven subcategories in the Asbestos industry are not affected by this review. The BAT limitations for these subcategories require that facilities achieve zero discharge of pollutants. These limitations are designed to control the discharge of toxic pollutants and are thus not subject to a BCT analysis.

6. Modifications to the Proposal

Since the publication of the proposed regulations in August of 1978, EPA has been reviewing the regulations in response to comments from the public and to new information that has become available to the Agency. Comments were received from 79 parties including many industrial groups, the Council on Wage and Price Stability, and several State governments. The commenters raised significant concerns with the approach taken by EPA in developing the proposed regulations. The comments fall into two general categories: those pertaining to the overall methodology, including the POTW and industrial calculations; and, those concerning the individual industry data used. Detailed responses to the comments regarding the individual industry data are presented in Appendix C, and responses to the major public comments regarding the overall methodology are presented in Appendix D.

In conjunction with the public comment review, EPA has reevaluated its methodology and its data base and concluded that certain changes in approach are appropriate. The more important modifications in the methodology used by EPA which affect final BCT regulations are described below.

(a) *POTW Cost and Operational Data.* In its initial BCT proposal in developing the POTW cost comparison figure, EPA relied on a document entitled "An Analysis of Cost Experience for Wastewater Treatment Plants." Since that time, EPA has published two new documents, "Construction Costs for Municipal Wastewater Treatment Plants, 1973-77" and "Analysis of Operations and Maintenance Costs for Municipal Wastewater Treatment Systems." These provide more accurate and up-to-date information on municipal treatment costs and hence are more appropriate for use in the POTW-industry comparisons. EPA announced that it was considering the use of these

two documents in a Federal Register notice of April 2, 1979. 44 Fed. Reg. 19214. Appendix B describes in detail how the municipal treatment costs used in the BCT evaluation is derived from the documents. Responses to comments on the April 2 notice are included in Appendix D.

(b) *Using a Single, POTW Cost Reasonableness Figure.* The BCT standards are based on a comparison of industry and POTW treatment costs and levels of removal. In the proposed methodology, industries were compared to POTW's having comparable rates of flow. Costs for these POTW's ranged from \$36 to \$1.72 per pound of pollutant removed. This approach resulted in some industries with relatively high treatment costs being judged to have reasonable BAT limitations because they were compared to a POTW with a high cost. Other industries, however, with relatively low costs, were determined to have unreasonable BAT limitations because the POTW they were measured against had low costs. To rectify this inequity, EPA is now employing a single POTW comparison figure based on an average size POTW of 2 mgd. This approach will result in a more "economically efficient" solution. Those subcategories that can cheaply achieve stringent limitations will continue to do so, but for those where it is relatively expensive, some relief will be given. The single cost figure approach has the additional advantage of being far easier to apply. A discussion of the specific calculation of the POTW figure is contained in Appendix B.

(c) *The Concentration Test.* The methodology used by EPA in developing the proposed BCT regulations included a second, "concentration test", that was applied to any industry regulation which did not pass the BCT test. In cases where an industry's effluent had an significantly higher pollutant concentration than a POTW, BAT requirements were retained as BCT. This test was uniformly opposed by commenters, who argued that it discourages water conservation, and is arbitrary and one-sided. EPA agrees, and has decided that the concentration test will not be used in making BCT determinations.

(d) *Calculation of POTW Cost Comparison Figure.* In its initial proposal, EPA calculated its POTW cost comparison figures based on the difference in costs and levels of removal between a POTW constructed to have an effluent of 25 mg/l of BOD, 25 mg/l of TSS and one constructed to achieve 12 mg/l of BOD and 12 mg/l of TSS. The Agency is now calculating the POTW

cost comparison figure based on the incremental costs and levels of removal associated with the upgrading of an existing POTW from secondary treatment (30 mg/l BOD, 30 mg/l TSS) to advanced secondary treatment (10 mg/l BOD, 10 mg/l TSS).

Although Congress specifically required a comparison of the "cost and levels of reduction" of conventional pollutants from POTWs with those of industry, nowhere in the Act or its legislative history is there specific direction as to how the POTW cost comparison figure is to be derived. It is clear, however, that the POTW costs are to provide a benchmark for judging the "reasonableness" of industry limitations.

One appropriate measure of POTW costs is the marginal costs of removal at secondary treatment. Although Congress did not state that the secondary treatment level was significant in determining BCT, it is the current legal requirement for most POTWs and the level at which the bulk of existing POTWs are now operating. Calculation of the costs per pound of conventional pollutant removal based on the increment from secondary to advanced secondary yields the best approximation of such marginal costs. Although an increment which narrowly straddles secondary treatment would have been preferable in identifying marginal costs, adequate data on such an increment do not exist.

In establishing the POTW cost comparison figure, Congress may also have been concerned with identifying the "knee-of-the-curve" for POTW costs and effluent reduction benefits. The Agency has submitted to Congress analyses which indicate that costs for pollution control to achieve pollutant concentrations lower than 10 mg/l of BOD and 10 mg/l of TSS begin to rise sharply in relation to effluent reduction benefits. Essentially, advanced secondary treatment marks the "knee-of-the-curve" with respect to POTW costs. Use of the secondary to advanced secondary increment thus effectively determines the cost per pound to achieve this maximum, cost-effective level of control.

Finally, basing the comparison figure on the cost of a POTW to upgrade from secondary to advanced secondary treatment roughly parallels the industrial increment under consideration. Congress, in establishing BCT, was concerned about the reasonableness of the requirement that industry progress from BPT to BAT. Similarly, focusing on the costs to upgrade existing POTWs beyond secondary treatment is appropriate.

In selecting this narrow increment the Agency is aware that the parallel in legal requirements for industry and POTW is not exact. Industries are required to meet BAT, and now BCT, by July 1, 1984. The comparable requirement for POTWs is achievement of "best practicable wastewater treatment technology" ("BPWTT") by July 1, 1983. However, BPWTT has never been precisely defined by EPA, and most POTWs will continue to operate at secondary treatment. Nonetheless, Congress has not modified the obligation of POTWs to achieve more stringent levels. Although concerned with funding of expensive advanced wastewater treatment systems, Congress has continued to fund construction of POTWs at better than secondary levels. EPA has judged that funding for construction of POTWs employing advanced secondary treatment is reasonable, and not subject to special intensified review.

(e) *Calculation of Conventional Pollutant Removal.* EPA originally proposed that if BOD5 and oil and grease were both regulated, only the pounds of BOD5 were to be included in the calculation of the incremental pounds of conventional pollutants removed. This has been modified and where both are regulated, the pollutant with the greater amount of removal will be included in the calculation. The Agency feels that the total effluent reduction benefits are best identified by using the pollutant in a given category which has the greater amount of removal in the calculation. However, a single pollutant in a category will continue to be used in the calculation because of the difficulty of allocating costs of removal between pollutants.

Additionally, total phosphorus and chemical oxygen demand were proposed as conventional pollutants, and they were included in the Agency's proposed BCT methodology. However, the proposal to designate these pollutants as conventional has been withdrawn, and they have been excluded from consideration in this rulemaking.

7. Information Available

Copies of the Federal Register notice can be obtained, without charge, by contacting: Sandra Jones, Environmental Protection Agency, 401 M Street, S.W. (WH-586), Washington, D.C. 20460, 202-426-2617.

The costs and pollutants removal data used in this review are taken from the development documents and economic analyses that were published in the development of BAT guidelines. The documents are available for public inspection at all EPA regional libraries

and the EPA headquarters library in Washington, D.C. Also, a 200 page summary of cost and removal data is open to public inspection at the above libraries.

In consideration of the foregoing, affected 40 CFR Parts 400-460 are hereby amended as set forth below.

Dated: July 31, 1979.

Barbara Blum,

Acting Administrator.

Table 1.—Industries and Subcategories Which Did Not Require Further Analysis

Grain Mills (4):

Normal Wheat Flour Milling—Animal Feed.

Normal Rice Milling—Hot Cereal.

Cement Manufacturing (2):

Non-Leaching—Materials Storage Piles Runoff.

Feedlots (1): All Subcategories Except Ducks.

Fertilizer (4):

Phosphate—Ammonium Sulfate Production.

Ammonia—Mixed and Blend Fertilizer Production.

Phosphate Manufacturing (2):

Deflourinated Phosphate Rock—Deflourinated Phosphoric Acid.

Ferroalloys Manufacturing (1): Other Calcium Carbide Furnaces.

Glass Manufacturing (2):

Sheet Glass Manufacturing—Rolled Glass Manufacturing.

Asbestos Manufacturing (4):

Asbestos Millboard—Solvent Recovery.

Coating or Finishing of Asbestos Textiles—Vapor Absorption.

Table 2.—Industries and Subcategories Which Were Studied

Dairy Products Processing (12):

Receiving Stations.

Fluid Products.

Cultured Products.

Butter.

Cottage Cheese and Cultured Cream Cheese.

Natural and Processed Cheese.

Fluid Mix for Ice Cream and other Frozen Desserts.

Ice Cream, Frozen Desserts Novelties and other Dairy Desserts.

Dry Milk.

Condensed Whey.

Dry Whey.

Condensed Milk.

Grain Mills (6):

Corn Wet Milling.

Corn Dry Milling.

Bulgar Wheat Flour Milling.

Parboiled Rice Processing.

Ready-to-eat Cereal.

Wheat Starch and Gluten.

Canned and Preserved Fruits and Vegetables

Processing (8):

Apple Juice.

Apple Products.

Citrus Products.

Frozen Potato Products.

Dehydrated Potato Products.

Canned and Preserved Fruits.

Canned and Preserved Vegetables.

Canned and Miscellaneous Specialties.

Canned and Preserved Seafood Processing (28):

Farm Raised Catfish.

Conventional Blue Crab.

Tuna Processing.

Fish Meal Processing.

Mechanized Blue Crab.

Non-Remote Alaskan Crab Meat.

Remote Alaskan Crab Meat.

Non-Remote Alaskan Whole Crab and Crab Section.

Non-Alaskan Scallop Processing.

Remote Alaskan Whole Crab and Crab Section.

Dungeness and Tanner Crab Processing in the Contiguous States.

Non-Remote Alaskan Shrimp.

Remote Alaskan Shrimp.

Northern Shrimp Processing in the Contiguous States.

Southern Non-Breaded Shrimp Processing in the Contiguous States.

Non-Alaskan Whole Crab and Crab Section Processing.

Breaded Shrimp Processing in the Contiguous States.

West Coast Hand Butchered Salmon Processing.

West Coast Mechanized Salmon Processing.

Non-Alaskan Conventional Bottom Fish.

Non-Alaskan Mechanized Bottom Fish Processing.

Hand-Shucked Clam Processing.

Mechanized Clam Processing.

Pacific Coast Hand-Shucked Oyster Processing.

Atlantic and Gulf Coast Hand-Shucked Oyster Processing.

Steamed and Canned Oyster Processing.

Sardine Processing.

Non-Alaskan Herring Fillet Processing.

Abalone Processing.

Sugar Processing (3):

Beet Sugar Processing.

Crystalline Cane Sugar Refining.

Liquid Cane Sugar Refining.

Cement Manufacturing (1):

Leaching.

Feedlots (1):

Ducks.

Phosphate Manufacturing (1):

Sodium Phosphates.

Ferroalloys Manufacturing (6):

Open Electric Furnaces with Wet Air Pollution Control Devices.

Covered Electric Furnaces and other Smelting Operations with Wet Air Pollution Control Devices.

Slag Processing.

Covered Calcium Carbide with Wet Air Pollution Control Devices.

Electrolytic Manganese Products.

Electrolytic Chromium.

Glass Manufacturing (10):

Insulation Fiberglass.

Plate Glass Manufacturing.

Float Glass Manufacturing.

Automotive Glass Tempering.

Automotive Glass Laminating.

Glass Container Manufacturing.

Glass Tubing (Danner) Manufacturing.

Television Picture Tube Envelope Manufacturing.

Incandescent Lamp Envelope Manufacturing.

Hand Pressed and Blown Glass Manufacturing.

Asbestos Manufacturing (7):

Asbestos-Cement Pipe.

Asbestos-Cement Sheet.

Asbestos Paper (Starch Binder).

Asbestos Paper (Elastomeric Binder).

Asbestos Roofing.

Asbestos Floor Tile.

Wet Dust Collection.

Meat Products (10):

Simple Slaughterhouse.

Complex Slaughterhouse.

Low Processing Packinghouse.

High Processing Packinghouse.

Small Processor.

Meat Cutter.

Sausage and Luncheon Meats Processor.

Ham Processor.

Canned Meats Processor.

Renderer.

Table 3

Pollutants regulated	Pollutants considered in industrial calculation
BOD ₅	BOD ₅
BOD ₅ and TSS.....	BOD ₅ and TSS.....
BOD ₅ , Oil and Grease.....	BOD ₅ ¹ or Oil and Grease.....
TSS ¹	TSS.....
TSS, Oil and Grease.....	TSS, Oil and Grease.....
TSS, BOD ₅ , Oil and Grease.....	TSS, BOD ₅ ¹ (or Oil and Grease ¹).....
Oil and Grease.....	Oil and Grease.....

¹EPA will use the one pollutant (BOD₅ or oil and grease) which has the most incremental removal.

Table 4

Industry and subcategory	(CFR Part)	(A) BCT = BAT	(B) BAT unreasonable, BAT withdrawn	(C) Withdrawn pending further study	(D) BAT withdrawn in response to litigation	(E) BAT analysis not required, no action
Dairy						
1. Receiving stations.....	(405.13)	¹ X	¹ X			
2. Fluid produce.....	(405.23)	X				
3. Cultured produce.....	(405.33)	X				
4. Butter.....	(405.43)	X				
5. Cottage, cream cheese.....	(405.53)	X				
6. Natural, processed cheese.....	(405.63)	² X	² X			
7. Fluid mix ice cream.....	9405.73	X				
8. Ice cream, frozen desserts.....	(405.83)	X				
9. Condensed milk.....	(405.93)	³ X		³ X		
10. Dry milk.....	(405.103)	⁴ X	⁴ X			
11. Condensed whey.....	(405.113)		⁵ X	⁵ X		
12. Dry whey.....	(405.123)	X				

Table 4—Continued

Industry and subcategory	(CFR Part)	(A) BCT = BAT	(B) BAT unreasonable, BAT withdrawn	(C) Withdrawn pending further study	(D) BAT withdrawn in response to litigation	(E) BAT analysis not required, no action
Feedlots						
59. Ducks.....	(412.23)		X			
Ferroalloys						
60. Open electric furnaces wet.....	(424.13)	X				
61. Covered electric and smelting wet.....	(424.23)	X				
62. Slag processing.....	(424.33)	X				
63. Covered calcium carbide wet.....	(424.43)		X			
64. Electrolytic manganese.....	(424.63)		X			
65. Electrolytic chromium.....	(424.73)		X			
Glass						
66. Insulation fiberglass.....	(426.13)	X				
67. Plate.....	(426.43)	X				
68. Float.....	(426.53)		X			
69. Auto tempering.....	(426.63)		X			
70. Auto laminating.....	(426.73)		X			
71. Container.....	(426.83)		X			
72. Tubing.....	(426.103)		X			
73. TV picture tube.....	(426.113)		X			
74. Incandescent lamp envelope.....	(426.123)		X			
75. Hand pressed and blown.....	(426.133)		X			
Asbestos						
76. Cement pipe.....	(427.13)					X
77. Cement sheet.....	(427.23)					X
78. Paper (starch binder).....	(427.33)					X
79. Paper (elastomeric binder).....	(427.43)					X
80. Roofing.....	(427.63)					X
81. Floor tile.....	(427.73)					X
82. Wet dust collection.....	(427.113)					X
Meat products						
83. Simple slaughterhouse.....	(432.13)				X	
84. Complex slaughterhouse.....	(432.23)				X	
85. Low Processing packinghouse.....	(432.33)				X	
86. High Processing packinghouse.....	(432.43)				X	
87. Small processing.....	(432.53)	X				
88. Meat cutter.....	(432.63)			X		
89. Sausage and luncheon.....	(432.73)			X		
90. Ham processing.....	(432.83)			X		
91. Canned meats.....	(432.93)			X		
92. Renderers.....	(432.103)	X				
Phosphates						
93. Sodium phosphates.....	(422.63)	X				

COLUMN EXPLANATIONS:

(A) BAT control of conventional pollutants has been determined to be reasonable. The Agency is promulgating that BAT be equal to the BAT control of conventional pollutants. The Agency is also withdrawing the BAT control of conventional pollutants.

(B) The BAT control of conventional pollutants (except for pH) has been determined to be unreasonable. The Agency is withdrawing the BAT control of conventional pollutants except for pH until such time that BAT standards can be developed. The Agency is also promulgating that the BAT control of pH be equal to the BAT control.

(C) The Agency is either currently studying the BAT limitations in the industry (Seafoods, Cane Sugar) or has received data sufficient to warrant a study of the industry (Beet Sugar). The Agency is withdrawing the BAT conventional pollutant limitations and will promulgate BAT after the completion of the studies.

(D) The BAT regulations for these subcategories are currently under judicial review. Consequently, the Agency is suspending the BAT control of conventional pollutants.

(E) These BAT regulations were removed from the review because it was determined that the BAT limitation of zero discharge controlled toxic pollutants, not conventional pollutants.

¹Receiving Stations—Small plants (processing less than 150,000 pounds per day of milk equivalent) are found reasonable. Large plants (over 150,000 pounds per day of milk equivalent) are found unreasonable. The subcategory regulation has been rewritten to cover only those plants processing 150,000 pounds per day or less of milk equivalent.

Table 4—Continued

Industry and subcategory	(CFR Part)	(A) BCT = BAT	(B) BAT unreasonable, BAT withdrawn	(C) Withdrawn pending further study	(D) BAT withdrawn in response to litigation	(E) BAT analysis not required, no action
Grain mills						
13. Corn wet.....	(406.13)	X				
14. Corn dry.....	(406.23)	X				
15. Bulgur wheat.....	(406.43)		X			
16. Parboiled rice.....	(406.63)	X				
17. Ready-to-eat.....	(406.83)	X				
18. Wheat starch and Gluten.....	(406.103)	X				
Canned and preserved fruits and vegetable						
19. Apple juice.....	(407.13)	X				
20. Apple products.....	(407.23)	X				
21. Citrus products.....	(407.33)	X				
22. Frozen potato.....	(407.43)		X			
23. Dehydrated potato.....	(407.53)	X				
24. Canned and preserved fruits.....	(407.63)				X	
25. Canned and preserved vegetables.....	(407.73)				X	
26. Canned and miscellaneous specialties.....	(407.83)				X	
Canned and preserved seafoods						
27. Farm raised catfish.....	(408.13)			X		
28. Conventional blue crab.....	(408.23)			X		
29. Mechanized blue crab.....	(408.33)			X		
30. Nonremote Alaskan crab meat.....	(408.43)			X		
31. Remote Alaskan crab meat.....	(408.53)			X		
32. Nonremote Alaskan whole crab.....	(408.63)			X		
33. Remote Alaskan whole crab.....	(408.73)			X		
34. Dungeness and Tanner crab.....	(408.83)			X		
35. Nonremote Alaskan shrimp.....	(408.93)			X		
36. Remote Alaskan shrimp.....	(408.103)			X		
37. Northern shrimp.....	(408.113)			X		
38. Southern nonbreaded shrimp.....	(408.123)			X		
39. Breaded shrimp.....	(408.133)			X		
40. Tuna.....	(408.143)			X		
41. Fish meal.....	(408.153)			X		
42. West coast hand-butchered salmon.....	(408.163)			X		
43. West coast mechanized salmon.....	(408.183)			X		
44. Non-Alaskan conventional bottom fish.....	(407.213)			X		
45. Non-Alaskan mechanized bottom fish.....	(408.223)			X		
46. Hand-shucked clam.....	(408.233)			X		
47. Mechanized clam.....	(408.243)			X		
48. Pacific hand-shucked oyster.....	(408.253)			X		
49. Atlantic and Gulf hand-shucked oyster.....	(408.263)			X		
50. Steamed and canned.....	(408.273)			X		
51. Sardine.....	(408.283)			X		
52. Non-Alaskan scallop.....	(408.303)			X		
53. Non-Alaskan herring fillet.....	(408.323)			X		
54. Abalone processing.....	(408.333)			X		
Sugar processing						
55. Beet sugar.....	(409.13)			X		
56. Crystalline cane sugar.....	(409.23)			X		
57. Liquid cane sugar.....	(409.33)			X		
Cement						
58. Leaching.....	(411.23)		X			

²Natural, Processed Cheese—Small plants (processing 100,000 lbs/day or less of milk equivalent) are reasonable. Large plants (processing over 100,000 lbs/day of milk equivalent) are unreasonable. The limitations have been rewritten to cover only the small plants.

³Condensed Milk—Small plants (processing less than 100,000 pounds per day of milk equivalent) are being withdrawn pending further study. Large plants (processing over 100,000 pounds per day of milk equivalent) are reasonable. The limitations have been rewritten to cover only the large plants.

⁴Dry Milk—Small plants (processing 145,000 pounds per day or less of milk equivalent) are found unreasonable. Large plants (over 145,000 pounds per day of milk equivalent) are reasonable. The subcategory regulation has been rewritten to cover only those plants processing more than 145,000 pounds per day of milk equivalent.

⁵Condensed Whey—Small plants (processing 300,000 pounds per day or less of raw fluid whey input) are withdrawn pending further study. Large plants (processing over 300,000 pounds per day of raw fluid whey input) are unreasonable. All plants are therefore, in effect, unreasonable.

⁶Apple Juice—Small plants (processing 100 tons per day) are found unreasonable. Large plants (processing 500 tons per day) are found reasonable. The limitations are rewritten to cover only those plants processing 500 tons per day or over.

⁷Apple Products—Small plants (processing under 10 tons per day) were found to be unreasonable. Large plants (over 100 tons per day) were found reasonable. The proposed subcategory regulation has been rewritten to cover only those plants processing over 100 tons per day. All plants processing less than 100 tons per day, therefore, are, in effect, unreasonable.

⁸Ducks—There is insufficient data available to evaluate the BAT limitations for this subcategory. The limitations are being withdrawn until such time that BCT limitations can be developed.

PART 405—EFFLUENT LIMITATIONS GUIDELINES FOR STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE DAIRY PRODUCTS PROCESSING INDUSTRY POINT SOURCE CATEGORY

40 CFR Subchapter N Part 405 for the Dairy Products Processing Industry Point Source Category is amended as follows:

1. (a) The sections listed below are redesignated as follows and the original section numbers reserved for future use.

Subcategory	Original section designation (40 CFR)	Revised section designation (40 CFR)
Fluid products.....	405.23	405.27
Cultured products.....	405.33	405.37
Butter.....	405.43	405.47
Cottage, cream cheese.....	405.53	405.57
Fluid mix ice cream.....	405.73	405.77
Ice cream, frozen desserts, novelties and other dairy desserts	405.83	405.87
Dry whey.....	405.123	405.127

(b) The title and first paragraph of the sections redesignated above are amended to read as follows:

§— Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

2. The sections listed below are withdrawn and the section numbers reserved for future use.

Subcategory	Section designation (40 CFR)
Receiving stations.....	405.13
Natural and processed cheese.....	405.63
Condensed milk.....	405.93
Dry milk.....	405.103
Condensed whey.....	405.113

3. A new § 405.17 for the Receiving Stations subcategory is added as follows:

§ 405.17 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

(a) For receiving stations receiving more than 150,000 lb/day of milk equivalent (more than 15,600 lb/day of BOD₅ input).

Effluent characteristic	Effluent limitations
pH.....	Within the range 6.0 to 9.0.

(b) For receiving stations receiving 150,000 lb/day or less of milk equivalent (under 15,600 lb/day of BOD₅ input).

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of BOD ₅ input)		
BOD ₅	0.150	0.075
TSS.....	.188	.094

English units (pounds per 100 lb of BOD₅ input)

pH..... Within the range 6.0 to 9.0.

English units (pounds per 100 lb of BOD₅ input)

BOD₅..... 0.015 0.008
TSS..... .019 .009
pH..... Within the range 6.0 to 9.0.

4. A new § 405.67 for the Natural and Processed Cheese subcategory is added as follows:

§ 405.67 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

(a) For plants processing more than 100,000 lb/day of milk equivalent (more than 10,390 lb/day of BOD₅ input).

Effluent characteristic	Effluent limitations
pH.....	Within the range 6.0 to 9.0.

(b) For plants processing 100,000 lb/day or less of milk equivalent (less than 10,390 lb/day of BOD₅ input).

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of BOD ₅ input)		
BOD ₅	0.250	0.125
TSS.....	.312	.156
pH.....	Within the range 6.0 to 9.0.	

English units (pounds per 100 lb of BOD₅ input)

BOD₅..... 0.025 0.013
TSS..... .031 .016
pH..... Within the range 6.0 to 9.0.

5. A new § 405.97 for the Condensed Milk subcategory is added as follows:

§ 405.97 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best

conventional pollutant control technology.

(a) For plants processing more than 100,000 lb/day of milk equivalent (more than 10,390 lb/day of BOD₅ input).

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of BOD ₅ input)		
BOD ₅	0.760	0.380
TSS.....	.950	.475
pH.....	Within the range 6.0 to 9.0.	
English units (pounds per 100 lb of BOD ₅ input)		
BOD ₅	0.076	0.038
TSS.....	.095	.048
pH.....	Within the range 6.0 to 9.0.	

(b) For plants condensing 100,000 lbs/day or less of milk equivalent (less than 10,390 lbs/day of BOD₅ input).

Effluent characteristic	Effluent limitations
pH.....	Within the range 6.0 to 9.0.

6. A new § 405.107 for the Dry Milk subcategory is added as follows:

§ 405.107 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

(a) For milk drying plants with an input equivalent to more than 145,000 lb/day of milk equivalent (more than 15,070 lb/day of BOD₅ input).

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of BOD5 input)		
BOD5.....	0.360	0.180
TSS.....	.450	.225
pH.....	Within the range 6.0 to 9.0.	
English units (pounds per 100 lb of BOD5 input)		
BOD5.....	0.036	0.018
TSS.....	.045	.023
pH.....	Within the range 6.0 to 9.0.	

(b) For milk drying plants with an input equivalent to 145,000 lb/day or less of milk equivalent (15,070 lb/day or less of BOD₅ input).

Effluent characteristic	Effluent limitations
pH.....	Within the range 6.0 to 9.0.

7. A new § 405.117 for the Condensed Whey subcategory is added as follows:

§ 405.117 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

Effluent characteristic	Effluent limitations
pH.....	Within the range 6.0 to 9.0.

PART 406—GRAIN MILLS POINT SOURCE CATEGORY

40 CFR Subchapter N Part 406 for the Grain Mills Point Source Category is amended as follows:

1. (a) The sections listed below are redesignated as follows and the original section numbers reserved for future use.

Subcategory	Original section designation (40 CFR)	Revised section designation (40 CFR)
Corn wet milling.....	406.13	406.17
Corn dry milling.....	406.23	406.27
Parboiled rice processing.....	406.63	406.67
Ready to eat cereal.....	406.93	406.97
Wheat starch and gluten.....	406.103	406.107

(b) The title and first paragraph of the sections redesignated above are amended to read as follows:

§ — Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

* * *

2. The new sections listed below are added as follows:

§ — Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology: There shall be no discharge of process waste water pollutants to navigable waters.

Subcategory	Section designation (40 CFR)
Normal wheat flour milling.....	406.37
Normal rice milling.....	406.57
Animal feed.....	406.77
Hot cereal.....	406.87

§ 406.43 [Reserved]

3. The following section is withdrawn and the section number reserved for future use.

Subcategory	Section designation (40 CFR)
Bulgur wheat flour milling.....	406.43

4. A new § 406.47 for the Bulgur Wheat Flour Milling Subcategory is added as follows:

§ 406.47 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

Effluent characteristic	Effluent limitations
pH.....	Within the range 6.0 to 9.0.

PART 407—CANNED AND PRESERVED FRUITS AND VEGETABLES PROCESSING POINT SOURCE CATEGORY

40 CFR, Subchapter N, Part 407, for the Canned and Preserved Fruits and Vegetables Processing Point Source Category is amended as follows:

1. The sections listed below are withdrawn and the section number reserved for future use.

Subcategory	Section designation (40 CFR)
Apple juice.....	407.13
Apple products.....	407.23
Frozen potato products.....	407.43

2. (a) The sections listed below are redesignated as follows and the original section numbers reserved for future use.

Subcategory	Original section designation	Revised section designation
Citrus products.....	407.33	407.37
Dehydrated potato products.....	407.53	407.57

(b) The title and first paragraph of the sections redesignated above are amended to read as follows:

§ — Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

3. A new § 407.17 for the Apple Juice subcategory is added as follows:

§ 407.17 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

(a) For plants processing 500 tons per day or more of raw material.

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of raw material)		
BOD ₅	0.20	0.10
TSS.....	.20	.10
pH.....	Within the range 6.0 to 9.0.	
English units (pounds per 1,000 lb of raw material)		
BOD ₅	0.20	0.10
TSS.....	.20	.10
pH.....	Within the range 6.0 to 9.0.	

(b) For plants processing less than 500 tons per day of raw material.

Effluent characteristic	Effluent limitations
pH.....	Within the range 6.0 to 9.0.

4. A new § 407.27 is added to the Apple Products Subcategory and reads as follows:

§ 407.27 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

(a) The following limitations apply to plants producing more than 100 tons per day of final product and establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of raw material)		
BOD ₅	0.20	0.10
TSS.....	.20	.10
pH.....	Within the range 6.0 to 9.0.	
English units (pounds per 1,000 lb of raw material)		
BOD ₅	0.20	0.10
TSS.....	.20	.10
pH.....	Within the range 6.0 to 9.0.	

(b) The following limitations apply to plants producing less than 100 tons per day of final product and establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

Effluent characteristic	Effluent limitations
pH.....	Within the range 6.0 to 9.0.

5. A new § 407.47 is added to the Frozen Potato Products subcategory and reads as follows:

§ 407.47 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or

pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

Effluent characteristic	Effluent limitations
pH.....	Within the range 6.0 to 9.0.

PART 408—CANNED AND PRESERVED SEAFOOD PROCESSING POINT SOURCE CATEGORY

40 CFR, Subchapter N, Part 408, for the Canned and Preserved Seafood Processing Point Source Category is amended as follows:

1. The sections listed below are withdrawn, and the section numbers reserved for future use.

Subcategory	Section designation (40 CFR)
Farm Raised Catfish Processing.....	408.13
Conventional Blue Crab Processing.....	408.23
Mechanized Blue Crab Processing.....	408.33
Non-Remote Alaskan Crab Meat Processing.....	408.43
Remote Alaskan Crab Meat Processing.....	408.53
Non-Remote Alaskan Whole Crab and Crab Section Processing.....	408.63
Remote Alaskan Whole Crab and Crab Section Processing.....	408.73
Dungeness and Tanner Crab Processing in the Contiguous States.....	408.83
Non-Remote Alaskan Shrimp Processing.....	408.93
Remote Alaskan Shrimp Processing.....	408.103
Northern Shrimp Processing in the Contiguous States.....	408.113
Southern Non-Breaded Shrimp Processing in the Contiguous States.....	408.123
Breaded Shrimp Processing in the Contiguous States.....	408.133
Tuna Processing.....	408.143
Fish Meal Processing.....	408.153
West Coast Hand-Butchered Salmon Processing.....	408.163
West Coast Mechanized Salmon Processing.....	408.193
Non-Alaskan Conventional Bottom Fish Processing.....	408.213
Non-Alaskan Mechanized Bottom Fish Processing.....	408.223
Hand Shucked Clam Processing.....	408.233
Mechanized Clam Processing.....	408.243
Pacific Coast Hand-Shucked Oyster Processing.....	408.253
Atlantic Gulf Coast Hand-Shucked Oyster Processing.....	408.263
Steam and Canned Oyster Processing.....	408.273
Sardine Processing.....	408.283
Non-Alaskan Scallop Processing.....	408.303
Non-Alaskan Herring Fillet Processing.....	408.323
Abalone Processing.....	408.333

PART 409—SUGAR PROCESSING POINT SOURCE CATEGORY

40 CFR, Subchapter N, Part 409, for the Sugar Processing Point Source Category is amended as follows:

§ 409.13 [Amended]

1. (a) The following § 409.13 of the Beet Sugar Processing Subcategory is amended to read as follows:

(1) The following limitations establish the maximum permissible discharge of

process waste water pollutants when the process waste water discharge results from barometric condensing operations only.

Effluent characteristics	Effluent limitations
Temperature	Temperature not to exceed the temperature of cooled water acceptable for return to the heat producing process and in no event greater than 32° C (90° F).

(2) The following limitations establish the maximum permissible discharge of process waste water pollutants when the process waste water discharge results, in whole or in part, from barometric condensing operations and any other beet sugar processing operation.

Effluent characteristics	Effluent limitations
Temperature	Not to exceed 32° C (90° F).

(b) Paragraph (b) of § 409.13 is withdrawn.

2. The sections listed below are withdrawn and the section numbers reserved for future use.

Subcategory	Section designation
Crystalline Cane Sugar Refining	409.23
Liquid Cane Sugar Refining	409.33

3. The new sections listed below are added as follows:

§ — Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

Effluent characteristic	Effluent limitations
pH	Within the range 6.0 to 9.0.

Subcategory	Section designation
Beet Sugar Refining	409.17
Crystalline Cane Sugar Refining	409.27
Liquid Cane Sugar Refining	409.37

PART 411—CEMENT MANUFACTURING POINT SOURCE CATEGORY

40 CFR Subchapter N Part 411 for the Cement Manufacturing Point Source Category is amended as follows:

§§ 411.13, 411.23 [Amended]

1. Section 411.13 of the Nonleaching Subcategory and § 411.23 of the Leaching Subcategory are amended to read as follows:

§ — Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable.

Effluent characteristics	Effluent limitations (maximum for any 1 day)
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Temperature (heat)	Not to exceed 3° C rise above inlet temperature.
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2. A new § 411.17 is added for the Nonleaching Subcategory and reads as follows:

§ 411.17 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

Effluent characteristics	Effluent limitations (Maximum for any 1 day)
	Metric units (kg/kg of product)
TSS	0.005
pH	Within the range 6.0 to 9.0
	English units (lb/1,000 lbs of product)
TSS	0.005
pH	Within the range 6.0 to 9.0

3. A new § 411.27 for the Leaching Subcategory is added as follows:

§ 411.27 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

Effluent characteristic	Effluent limitations
pH	Within the range 6.0 to 9.0

4. (a) The section listed below is redesignated as follows and the original section number reserved for future use.

Subcategory	Original section designation	Revised section designation
Materials Storage Piles Runoff	411.33	411.37

(b) The title and first paragraph of the sections redesignated above are amended to read as follows:

§ 411.37 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

PART 412—FEEDLOTS POINT SOURCE CATEGORY

40 CFR Subchapter N Part 412 for the Feedlots Point Source Category is amended as follows:

1. A new § 412.17 for All Subcategories Except Ducks is added as follows:

§ 412.17 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology. There shall be no discharge of process waste water pollutants to navigable waters.

(b) Process waste pollutants in the overflow may be discharged to navigable waters whenever rainfall events, either chronic or catastrophic, cause an overflow of process waste water from a facility designed, constructed and operated to contain all process generated waste waters plus the runoff from a 25 year, 24 hour rainfall event for the location of the point source.

§ 412.23 [Reserved]

2. Section 412.23 for the Ducks Subcategory is withdrawn and the section number reserved for future use.

PART 418—FERTILIZER MANUFACTURING POINT SOURCE CATEGORY

40 CFR Subchapter N Part 418 for the Fertilizer Manufacturing Point Source Category is amended as follows:

1. Section 418.13 of the Phosphate Subcategory is amended as follows:

§ 418.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(c) The concentration of pollutants discharged in process wastewater pursuant to the limitations of paragraph (b) of this section shall not exceed the values listed in the following table:

Effluent characteristics	Effluent limitations (mg/l)	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Total Phosphorus (as P).....	105	35
Fluoride.....	75	25

The total suspended solid limitations set forth in this paragraph shall be waived for process wastewater from a calcium sulfate storage pile runoff facility, operated separately or in combination with a water recirculation system, which is chemically treated and then clarified or settled to meet the other pollutant limitations set forth in this paragraph.

(d) The concentration of pollutants discharged in contaminated non-process wastewater shall not exceed the values listed in the following table:

Effluent characteristics	Effluent limitations (mg/l)	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Total Phosphorus (as P).....	105	35
Fluoride.....	75	25

2. A new § 418.17 for the Phosphate Subcategory is added as follows:

§ 418.17 Effluent limitations and guidelines representing the degree of effluent reduction attained by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to

the provisions of this subpart after application of the best conventional pollutant control technology:

(a) Subject to the provision of paragraphs (b) and (c) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology: There shall be no discharge of process wastewater pollutants to navigable waters.

(b) Process wastewater pollutants from a calcium sulfate storage pile runoff facility operated separately or in combination with a water recirculation system designed, constructed and operated to maintain a surge capacity equal to the runoff from the 25-year, 24-hour rainfall event may be discharged, after treatment to the standards set forth in paragraph (c) of this section, whenever chronic or catastrophic precipitation events cause the water level to rise into the surge capacity. Process wastewater must be treated and discharged whenever the water level equals or exceeds the midpoint of the surge capacity.

(c) The concentration of pollutants discharged in process wastewater pursuant to the limitations of paragraph (b) of this section shall not exceed the values listed in the following table:

Effluent characteristics	Effluent limitations (mg/l)	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
TSS.....	150	50

The total suspended solid limitations set forth in this paragraph shall be waived for process wastewater from a calcium sulfate storage pile runoff facility, operated separately or in combination with a water recirculation system, which is chemically treated and then clarified or settled to meet the other pollutant limitations set forth in this paragraph.

3. A new § 418.27 for the Ammonia Subcategory is added as follows:

§ 418.27 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best

conventional pollutant control technology.

Effluent characteristic	Effluent limitations
pH.....	Within the range 6.0 to 9.0

4. The sections listed below are added as follows:

§ — Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology: There shall be no discharge of process waste water pollutants to navigable waters.

Subcategory	Section designation
Ammonium Sulfate Production.....	418.67
Mixed and Blend Fertilizer Production.....	418.77

PART 422—PHOSPHATE MANUFACTURING POINT SOURCE CATEGORY

40 CFR Subchapter N Part 422 for the Phosphate Manufacturing Point Source Category is amended as follows:

1. Section 422.43 of the Defluorinated Phosphate Rock Subcategory is amended as follows:

§ 422.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(c) The concentration of pollutants discharged in process waste water pursuant to the limitations of paragraph (b) of this section shall not exceed the values listed in the following table:

Effluent characteristics	(Milligrams per liter)	
	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Total Phosphorus (as P).....	105	35
Fluoride (as F).....	75	25

(d) The concentration of pollutants discharged in contaminated non-process wastewater shall not exceed the values listed in the following table:

Effluent characteristics	Effluent limitations (mg/l)	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Total Phosphorus (as P).....	105	35
Fluoride.....	75	25

2. A new § 422.47 for the Defluorinated Phosphate Rock Subcategory is added as follows:

§ 422.47 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

(a) Subject to the provisions of paragraphs (b), (c) and (d) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology: There shall be no discharge of process waste water pollutants to navigable waters.

(b) Process waste water pollutants from a cooling water recirculation system designed, constructed and operated to maintain a surge capacity equal to the runoff from the 25-year, 24-hour rainfall event may be discharged, after treatment to the standards set forth in paragraph (c) of this section, whenever chronic or catastrophic precipitation events cause the water level in the pond to rise into the surge capacity. Process waste water must be treated and discharged whenever the water level equals or exceeds the midpoint of the surge capacity.

(c) The concentration of pollutants discharged in process waste water pursuant to the limitations of paragraph (b) of this section shall not exceed the values listed in the following table:

Effluent characteristics	Effluent limitations (Milligrams per liter)	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
TSS.....	150	50
pH.....	Within the range 6.0 to 9.5.	

The total suspended solid limitation set forth in this paragraph shall be waived for process waste water from a calcium sulfate storage pile runoff facility, operated separately or in combination with a water recirculation system, which is chemically treated and then clarified or settled to meet the other pollutant limitations set forth in this paragraph.

(d) The concentration of pollutants discharged in contaminated non-process waste water shall not exceed the values listed in the following table:

Effluent limitations (Milligrams per liter)	
Effluent characteristics	Effluent limitations
pH.....	Within the range 6.0 to 9.5.

3. Section 422.53 of the Defluorinated Phosphoric Acid Subcategory is amended as follows:

§ 422.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(c) The concentration of pollutants discharged in process waste water pursuant to the limitations of paragraph (b) of this section shall not exceed the values listed in the following table:

Effluent characteristics	Effluent limitations (Milligrams per liter)	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Total Phosphorus (as P).....	105	35
Fluoride (as F).....	75	25

(d) The concentration of pollutants discharged in contaminated non-process wastewater shall not exceed the values listed in the following table:

Effluent characteristics	Effluent limitations (Milligrams per liter)	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Total Phosphorus (as P).....	105	35
Fluoride (as F).....	75	25

4. A new § 422.57 for the Defluorinated Phosphoric Acid Subcategory is added as follows:

§ 422.57 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

(a) Subject to the provisions of paragraphs (b), (c) and (d) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology: There shall be no discharge of process waste water pollutants to navigable waters.

(b) Process waste water pollutants from a cooling water recirculation system designed, constructed and operated to maintain a surge capacity equal to the runoff from the 25-year, 24-hour rainfall event may be discharged, after treatment to the standards set forth in paragraph (c) of this section, whenever chronic or catastrophic precipitation events cause the water level in the pond to rise into the surge capacity. Process waste water must be treated and discharged whenever the water level equals or exceeds the midpoint of the surge capacity.

(c) The concentration of pollutants discharged in process waste water pursuant to the limitations of paragraph (b) of this section shall not exceed the values listed in the following table:

Effluent characteristics	Effluent limitations (Milligrams per liter)	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
TSS.....	150	50
pH.....	Within the range 6.0 to 9.5.	

The total suspended solid limitation set forth in this paragraph shall be waived for process waste water from a calcium sulfate storage pile runoff facility, operated separately or in combination with a water recirculation system, which is chemically treated and then clarified or settled to meet the other pollutant limitations set forth in this paragraph.

(d) The concentration of pollutants discharged in contaminated non-process waste water shall not exceed the values listed in the following table:

(Milligrams per liter)	
Effluent characteristics	Effluent limitations
pH.....	Within the range 6.0 to 9.5.

5. Section 422.63 of the Sodium Phosphate Subcategory is amended as follows:

§ 422.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Metric units, kg/kg of product; English units, lb/1,000 lb of product		
Effluent limitations		
Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Total Phosphorus (as P).....	0.56	0.28
Fluoride (as F).....	0.21	0.11

6. A new § 422.67 for the Sodium Phosphate Subcategory is added as follows:

§ 422.67 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

Effluent limitations		
Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
(Metric units kg/kg of finished product; English units, lb/1,000 lb of product)		
TSS.....	0.35	0.19
pH.....	Within the range 6.0 to 9.5.	

PART 424—FERROALLOY MANUFACTURING POINT SOURCE CATEGORY

40 CFR Subchapter N Part 424 for the Ferroalloy Manufacturing Point Source Category is amended as follows:

1. Section 424.13 of the Open Electric Furnaces with Wet Air Pollution Control Devices Subcategory is amended as follows:

§ 424.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent limitations		
Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Metric units kg/Mwh		
Chromium total.....	.0008	.0004
Chromium VI.....	.00008	.00004
Manganese total.....	.008	.0039
English units lb/Mwh		
Chromium total.....	.0017	.0009
Chromium VI.....	.0002	.0001
Manganese total.....	.017	.0086

2. A new § 424.17 for the Open Electric Furnaces with Wet Air Pollution Control Devices Subcategory is added as follows:

§ 424.17 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

Effluent limitations		
Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Metric units kg/Mwh		
TSS.....	0.024	0.012
pH.....	Within the range 6.0 to 9.0.	

English units lb/Mwh		
TSS.....	0.052	0.026
pH.....	8W/Within the range 6.0 to 9.0.	

3. Section 424.23 of the Covered Electric Furnaces and Other Smelting Operations with Wet Air Pollution Control Devices Subcategory is amended as follows:

§ 424.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent limitations		
Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Metric units kg/Mwh		
Chromium total.....	.001	.0005
Chromium VI.....	.0001	.00005
Manganese total.....	.011	.005
Cyanide total.....	.0005	.0003
Phenols.....	.0004	.0002
English units lb/Mwh		
Chromium total.....	.002	.0012
Chromium VI.....	.0002	.0001
Manganese total.....	.023	.012
Cyanide total.....	.001	.0006
Phenols.....	.0009	.0005

Provided, however, That for nonelectric furnace smelting processes, the units of effluent limitations set forth in this section shall be read as "kg/kg of product" rather than "kg/Mwh," and the limitations (except for pH) shall be 3.3 times those listed in the table in this section (or, for English units, "lb/ton of product" rather than "lb/Mwh," and the limitations (except for pH) shall be three times those listed in the table).

4. A new § 424.27 for the Covered Electric Furnaces and Other Smelting Operations with Wet Air Pollution Control Devices Subcategory is added as follows:

§ 424.27 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best

conventional pollutant control technology:

Effluent characteristics	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units kg/Mwh	
TSS.....	0.032	0.016
pH.....	Within the range 6.0 to 9.0.	
Effluent characteristics	English units lb/Mwh	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units kg/Mwh	
TSS.....	0.071	0.035
pH.....	Within the range 6.0 to 9.0.	

Provided, however, That for nonelectric furnace smelting processes, the units of effluent limitations set forth in this section shall be read as "kg/kg of product" rather than "kg/Mwh," and the limitations (except for pH) shall be 3.3 times those listed in the table in this section (or, for English units, "lb/ton of product" rather than "lb/Mwh," and the limitations (except for pH) shall be three times those listed in the table).

5. Section 424.33 of the Slag Processing Subcategory is amended as follows:

§ 424.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristics	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units kg/kg processed	
Chromium total.....	.0054	.0027
Manganese total.....	.054	.027
Effluent characteristics	English units lb/ton of raw material	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units kg/kg processed	
Chromium total.....	.011	.0054
Manganese total.....	.108	.054

6. A new § 424.37 for the Slag Processing Subcategory is added as follows:

§ 424.37 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

Effluent characteristics	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units kg/Mwh	
TSS.....	0.271	0.136
pH.....	Within the range 6.0 to 9.0.	
Effluent characteristics	English units lb/Mwh	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units kg/Mwh	
TSS.....	0.542	0.271
pH.....	Within the range 6.0 to 9.0.	

7. Section 424.43 of the Covered Calcium Carbide Furnaces with Wet Air Pollution Control Devices Subcategory is amended as follows:

§ 424.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristics	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	(Metric units) kg/kg of product	
Total Cyanide.....	0.0056	0.0028
Effluent characteristics	English units lb/1000 lb of product	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	(Metric units) kg/kg of product	
Total Cyanide.....	0.0056	0.0028

8. A new § 424.57 for the Other Calcium Carbide Furnaces Subcategory is added as follows:

§ 424.57 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or

pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology: There shall be no discharge of process waste water pollutants to navigable waters.

9. Section 424.63 of the Electrolytic Manganese Products Subcategory is amended as follows:

§ 424.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart producing electrolytic manganese after application of the best available technology economically achievable:

Effluent characteristics	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	(Metric units) kg/kg of product	
Manganese.....	0.678	0.339
Ammonia-N.....	6.778	3.389
Effluent characteristics	English units lb/1000 lb of product	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	(Metric units) kg/kg of product	
Manganese.....	0.678	0.339
Ammonia-N.....	6.778	3.389

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart producing electrolytic manganese dioxide after application of the best available technology economically achievable:

Effluent characteristics	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	(Metric units) kg/kg of product	
Manganese.....	0.176	0.088
Ammonia-N.....	1.762	.881
Effluent characteristics	English units lb/1000 lb of product	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	(Metric units) kg/kg of product	
Manganese.....	0.176	0.088
Ammonia-N.....	1.762	.881

10. Section 424.73 of the Electrolytic Chromium Subcategory is amended as follows:

§ 424.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent limitations		
Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
Manganese.....	0.530	0.265
Chromium.....	.053	.027
Ammonia-N.....	5.297	2.649
(English units) lb/1000 lb of product		
Manganese.....	0.530	0.265
Chromium.....	.053	.027
Ammonia-N.....	5.297	2.649

11. The new sections listed below are added as follows:

§—— Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

Effluent characteristic	Effluent limitations
pH.....	Within the range 6.0 to 9.0.
Subcategory	Section designation
Covered calcium carbide furnaces with wet air pollution control devices.....	424.47
Electrolytic manganese products.....	424.67
Electrolytic chromium.....	424.77

PART 426—GLASS MANUFACTURING POINT SOURCE CATEGORY

40 CFR Subchapter N Part 426 for the Glass Manufacturing Point Source Category is amended as follows:

1. The sections listed below are added as follows:

§—— Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology: There shall be no discharge of process waste water pollutants to navigable waters.

Subcategory	Section designation (40 CFR)
Insulation fiberglass.....	426.17
Sheet glass.....	426.27
Rolled glass manufacturing.....	426.37

§ 426.43 [Reserved]

2.(a) Section 426.43 of the Plate Glass Manufacturing Subcategory is redesignated as § 426.47 and the original section number reserved for future use.

(b) The title and first paragraph of the section redesignated above is amended to read as follows:

§ 426.47 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

3. The regulations listed below are withdrawn and the section numbers reserved for future use.

Subcategory	Section designation
Automotive glass tempering.....	426.63
Glass container manufacturing.....	426.83
Glass tubing (Danner) manufacturing.....	426.103

4. The regulations listed below are added as follows:

§—— Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best

conventional pollutant control technology.

Effluent characteristic	Effluent limitation
pH.....	Within the range 6.0 to 9.0.
Subcategory	Section designation (40 CFR)
Float glass manufacturing.....	426.57
Automotive glass tempering.....	426.67
Automotive glass laminating.....	426.77
Glass container manufacturing.....	426.87
Glass tubing (Danner) manufacturing.....	426.107
Television picture tube.....	426.117
Envelope manufacturing.....	426.127
Incandescent lamp.....	426.127
Envelope manufacturing hand pressed and blown glass manufacturing.....	426.137

5. Section 426.53 for the Float Glass Manufacturing subcategory is amended as follows:

§ 426.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Effluent limitations		
Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (g/kg of product)		
Phosphorus.....	0.05	0.05
English units (lb/ton of product)		
Phosphorus.....	0.0001	0.0001

6. Section 426.73 for the Automotive Glass Laminating subcategory is amended as follows:

§ 426.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Effluent limitations		
Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (g/kg of product)		
Phosphorus.....	.30	.30
English units (lb/ton of product)		
Phosphorus.....	.06	.06

7. Section 426.113 of the Television Picture Tube Envelope Manufacturing Subcategory is amended as follows:

§ 426.113 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable. These limitations are applicable to the abrasive polishing and acid polishing waste water streams.

Effluent limitations		
Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) g/kg of furnace pull		
Fluoride	120.0	60.0
Lead	0.9	0.45
(English units) lb/1000 lb of furnace pull		
Fluoride	0.12	0.06
Lead	0.0009	0.00045

8. Section 426.123 of the Incandescent Lamp Envelope Manufacturing Subcategory is amended as follows:

§ 426.123 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) Any manufacturing plant which frosts incandescent lamp envelopes shall meet the following limitations with regard to the finishing operations.

Effluent limitations		
Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) g/kg of product frosted		
Fluoride	104.0	52.0
Ammonia	240.0	120.0
(English units) lb/1000 lb of product frosted		
Fluoride	0.104	0.052
Ammonia	0.24	0.12

9. Section 426.133 of the Hand Pressed and Blown Glass Manufacturing Subcategory is amended as follows:

§ 426.133 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) Any plant which melts raw materials, produces hand pressed or blown leaded glassware, discharges greater than 50 gallons per day of process waste water, and employs hydrofluoric acid finishing techniques shall meet the following limitations.

Effluent limitations		
Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
mg/l		
Lead	0.2	0.1
Fluoride	26.0	13.0

(b) Any plant which melts raw materials, produces non-leaded hand pressed or blown glassware, discharges greater than 50 gallons per day of process waste water, and employs hydrofluoric acid finishing techniques shall meet the following limitations.

Effluent limitations		
Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
mg/l		
Fluoride	26.0	13.0

PART 427—ASBESTOS MANUFACTURING POINT SOURCE CATEGORY

40 CFR Subchapter N Part 427 for the Asbestos Manufacturing Point Source Category is amended as follows:

1. Section 427.93 of the Solvent Recovery Subcategory is amended to read as follows:

§ 427.93 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of

this subpart after application of the best available technology economically achievable.

Effluent limitations		
Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of finished asbestos products		
COD	0.30	0.15
(English units) lb/1,000 lb of finished asbestos products		
COD	0.30	0.15

2. A new § 427.97 is added to the Solvent Recovery Subcategory as reads below:

§ 427.97 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

Effluent limitations		
Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of finished asbestos products		
TSS	0.18	0.09
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of finished asbestos products		
TSS	0.18	0.09
pH	Within the range 6.0 to 9.0.	

PART 432—MEAT PRODUCTS POINT SOURCE CATEGORY

40 CFR Subchapter N Part 432 for the Meat Products Points Source Category is amended as follows:

1. The sections listed below are withdrawn and the section numbers reserved for future use.

Subcategory	Section designation (40 CFR)
Simple Slaughterhouse	432.13
Complex Slaughterhouse	432.23
Low Processing Packinghouse	432.33
High Processing Packinghouse	432.43

2. The new sections listed below are added as follows:

§ — Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to on-site slaughter or subsequent meat, meat product or byproduct processing of carcasses of animals slaughtered on-site, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

Effluent characteristic	Effluent limitations
Fecal coliform pH.....	Maximum at any time 400 mpn/100 ml. Within the range of 6.0 to 9.0.

Subcategory	Section designation
Simple Slaughterhouse.....	432.17
Complex Slaughterhouse.....	432.27
Low Processing Packinghouse.....	432.37
High Processing Packinghouse.....	432.47

§ 432.53 [Reserved]

3. (a) Section 432.53 of the Small Processor Subcategory is redesignated as Section 432.57 and the original section number reserved for future use.

(b) The title and first paragraph of the section redesignated above is amended to read as follows:

§ 432.57 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

* * * * *

4. Section 432.63 of the Meat Cutter Subcategory is amended as follows:

§ 432.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best

available technology economically achievable:

Effluent characteristics	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Milligrams per liter—effluent		
Ammonia.....	8.0 mg/l	4.0

5. Section 432.73 of the Sausage and Luncheon Meats Processor Subcategory is amended as follows:

§ 432.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristics	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Milligrams per liter—effluent		
Ammonia.....	8.0 mg/l	4.0

6. Section 432.83 of the Ham Processor Subcategory is amended as follows:

§ 432.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristics	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Milligrams per liter—effluent		
Ammonia.....	8.0 mg/l	4.0

7. Section 432.93 of the Canned Meats Processor Subcategory is amended as follows:

§ 432.93 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristics	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Milligrams per liter—effluent		
Ammonia.....	8.0 mg/l	4.0

8. Section 432.103 of the Renderer Subcategory is amended as follows:

§ 432.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristics	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
(Metric units) kg/kg of raw material		
Ammonia.....	0.14	0.07
English units lb/1,000 lb of raw material		
Ammonia.....	0.14	0.07

9. A new § 432.107 for the Renderer Subcategory is added as follows:

§ 432.107 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of

this subpart after application of the best conventional technology pollutant control technology:

Effluent limitations		
Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
(Metric units) kg/kg of finished product		
BOD5.....	0.18	0.09
TSS.....	0.22	0.11
Oil & grease.....	0.10	0.05
pH.....	Within the range 6.0 to 9.0	
Fecal coliforms.....	Maximum at any time 400 mpn/100 ml.	
(English units) lb/1,000 lb of finished product		
BOD5.....	0.18	0.09
TSS.....	0.22	0.11
Oil & grease.....	0.10	0.05
pH.....	Within the range 6.0 to 9.0	
Fecal coliforms.....	Maximum at any time 400 mpn/100 ml.	

(b) The limitations given in paragraph (a) of this section for BOD₅ and TSS are derived for a renderer which does no cattle hide curing as part of the plant activities. If a renderer does conduct hide curing, the following empirical formulas should be used to derive an additive adjustment to the effluent limitations for BOD₅ and TSS.

BOD ₅ Adjustment (kg/kg RM) =	3.6 × (number of hides)
	kg of raw material
(lb/1,000 lb RM) =	7.9 × (number of hides)
	lbs of raw material
TSS Adjustment (kg/kg RM) =	6.2 × (number of hides)
	kg of raw material
(lb/1,000 lb RM) =	13.6 × (number of hides)
	lbs of raw material

10. The new sections listed below are added as follows:

§ — Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

Effluent characteristic	Effluent limitations
Fecal coliform.....	Maximum at any time 400 mpn/100 ml.
pH.....	Within the range of 6.0 to 9.0

Subcategory and section designation

Meat Cutter, 432.67.
Sausage and Luchon Meats Processor, 432.77.
Ham Processor, 432.87.
Canned Meats Processor, 432.97.

Appendix A—Documents Used in the Analysis

The data for each of the industry categories were taken from the documents listed below:

1. Dairy Products

Dairy Products Processing, EPA 440/1-74-021-a.

2. Grain Mills

Grain Processing, EPA 440/1-74-028-a.
Animal Feed, Breakfast Cereal and Wheat Starch, EPA 440/1-74-039-a.
Corn Wet Milling, EPA 440/1-78/028-b, Supplement.

3. Fruits and Vegetables

Apple, Citrus and Potato Products, EPA 440/1-74-027-a.
Economic Analysis of the Fruits and Vegetables Category (Phase II), EPA 230/1-75-036, Supplement, April 1976.

4. Seafood

Fish Meal, Salmon, Bottom Fish, Clam, Oyster, Sardine, Scallop, Herring, and Abalone, EPA 440/1-75/041-a.
Catfish, Crab, Shrimp and Tuna, EPA-440/1-74-020-a.

5. Sugar Processing

Beet Sugar Processing, EPA 440/1-74-002-b.
Cane Sugar Processing, EPA 440/1-74-002-c.

6. Cement Manufacturing

Cement Manufacturing, EPA 440/1-74-005-a.

7. Feedlots

Feedlots, EPA 440/1-74/004-a.

8. Phosphate Manufacturing

Other Non-Fertilizer Phosphate Chemicals, EPA 440/1-75/043-a.

9. Ferroalloys

Smelting and Slag Processing, EPA 440/1-74/008-a.
Calcium Carbide, EPA 440/1-75/038.
Electrolytic Ferroalloys, EPA 440/1-75/038-a.

10. Glass Manufacturing

Pressed and Blown Glass, EPA 440/1-75-034-a.
Flat Glass, EPA 440/1-74/001-c.
Insulation Fiberglass, EPA 440/1-74-001-b.

11. Meat Products

Red Meat Processing, EPA 440/1-74-102-a.
Processor, EPA 440/1-74/031.
Independent Rendering, EPA 440/1-77/031-e, Supplement.

Appendix B—The Cost of Pollutant Removal By Publicly Owned Treatment Works

Background. In order to develop an effluent limitation which meets BCT requirements,

Congress requires that the cost and level of reduction of conventional pollutants by industrial dischargers be compared with the cost and level of reduction to remove the same type of pollutants by publicly owned treatment works (POTWs). The POTW comparison figure has been calculated by evaluating the change in costs and removals between secondary treatment (30 mg/l BOD and 30 mg/l TSS) and advanced secondary treatment (10 mg/l BOD and 10 mg/l TSS). The difference in cost is divided by the difference in pounds of conventional pollutants removed, resulting in an estimate of the "dollar per pound" of pollutant removed.

The following details the specific calculation of this POTW cost figure. This involves four basic steps: first, the average size POTW is determined; second, the total annual costs for secondary and advanced secondary treatment are estimated; third, the pollutant removal of the systems is calculated; fourth, the additional costs are divided by the additional pounds of pollutants removed.

All the costs have been indexed to third quarter 1976 dollars to make them comparable to the industry costs which are in September 1976 dollars. The specific indices used are presented in the discussion below. The POTW cost figure can be updated to current year dollars by use of these indices.

Average sized POTW. The POTW cost figure is based on the average flow size POTW for the Nation. This average size is calculated by dividing the total national daily flow of sewage by the number of POTWs in the country. There are 26,205 mgd of sewage discharged by 14,592 POTWs which results in an average size POTW of 2 mgd.¹

Total annual POTW costs. The Agency based its estimates of annual POTW costs on information from two documents: The Construction Cost Document² and the O & M Cost Document³ both issued by EPA's Office of Water Program Operations. These documents provide the most up-to-date information regarding the costs of constructing and operating POTWs.

¹ "1978 Survey of Needs, Conveyance and Treatment of Municipal Wastewater, Summaries of Technical Data," EPA 430/9-79-002, February 1979, at 9 and 13.

² "Construction Costs for Municipal Wastewater Treatment Plants: 1973-1977," EPA 430/9-77-013, January 1978 (hereinafter cited as "Construction Cost Document").

³ "Analysis of Operations and Maintenance Costs for Municipal Wastewater Treatment Systems," EPA 430/9-77-015, May 1978 (hereinafter cited as "O & M Cost Document").

The POTW costs used in estimating the cost of pollutant removal are the total annual costs of upgrading a secondary treatment system to advanced secondary treatment (AST). This is done by estimating the total annual costs for a new advanced secondary treatment system and deducting the savings that are expected if secondary treatment is already in place. Total annual costs include capital charges and operations and maintenance expenses.

The annual capital cost for a new AST system is equal to:

$$\frac{\text{capital cost of AST}}{\text{capital recovery factor}} \times \text{price deflator}$$

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This is specifically calculated as follows.

$$\begin{aligned} (1) \text{ capital cost of AST }^4 &= (3.5 \times 10^6)(Q^{.91}), \text{ where } Q \text{ is flow in mgd.} \\ &= (3.5 \times 10^6)(2^{.91}) \\ &= \$6.61 \text{ million} \end{aligned}$$

$$(2) \text{ capital recovery factor }^5 = 9.427, \text{ based on a 30 year amortization at a 10 percent interest rate.}$$

$$\begin{aligned} (3) \text{ price deflator }^6 &= \frac{\text{LCAT index, third quarter 1976}}{\text{LCAT index, first quarter 1978}} \\ &= \frac{129}{143} \\ &= .902 \end{aligned}$$

$$\begin{aligned} (4) \text{ annual capital cost of AST} &= \frac{\text{capital costs of AST}}{\text{capital recovery factor}} \times \text{price deflator.} \\ &= \frac{\$6.61 \text{ million}}{9.427} \times .902 \\ &= \$.633 \text{ million a year} \end{aligned}$$

The annual savings from having secondary treatment in-place are equal to:

$$\frac{\text{capital savings of in-place secondary}}{\text{capital recovery factor}} \times \text{price deflator}$$

⁴ Construction Cost Document. Supra note 2, Figure 7.1, curve 2.

⁵ Management Accounting, Robert Anthony and James Reece, June 1975, Appendix Tables, Table B (hereinafter cited as "Management Accounting").

⁶ "Construction Cost Index Quarterly Recap," Office of Water Program Operations, EPA, first quarter 1976 et seq (hereinafter cited as "Construction Cost Index")

This is specifically calculated as follows.

- (1) capital savings of in-place secondary⁷ = $(2.145 \times 10^6)(Q^{.89})$, where Q is flow in mgd
 $= (2.145 \times 10^6)(2^{.89})$
 $= \$3.98 \text{ million}$
- (2) capital recovery factor⁸ = 9.427, based on a 30 year amortization at a 10 percent interest rate.
- (3) price deflator⁹ = $\frac{\text{SCCT index, third quarter 1976}}{\text{SCCT index, first quarter 1978}}$
 $= \frac{119}{132}$
 $= .902$
- (4) annual capital savings of in-place secondary = $\frac{\text{capital savings of in-place secondary}}{\text{capital recovery factor}} \times \text{price deflator}$
 $= \frac{\$3.98 \text{ million}}{9.427} \times .902$
 $= \$.381 \text{ million a year.}$

The O&M costs for an AST are equal to: O&M cost for AST x price deflator.

This is specifically calculated as follows.

- (1) O&M cost¹⁰ = $(6.85 \times 10^4)(Q^{1.44})$, where Q is flow in mgd
 $= (6.85 \times 10^4)(2^{1.44})$
 $= \$.186 \text{ million a year}$

⁷ Construction Cost Document. Supra note 2, Figure 7.1, curve B.

⁸ Management Accounting, Supra note 5, Appendix Tables, Table B.

⁹ Construction Cost Index, Supra note 6.

¹⁰ O&M Cost Document, Supra note 3, Figure E. 2-4.

$$\begin{aligned}(2) \text{ price deflator }^{11} &= \frac{\text{O\&M index third quarter 1976}}{\text{O\&M index, first quarter 1978}} \\ &= \frac{206}{230} \\ &= .896\end{aligned}$$

$$\begin{aligned}(3) \text{ O\&M for an AST} &= \text{O\&M cost} \times \text{price deflator} \\ &= \$.186 \text{ million a year} \times .896 \\ &= .167 \text{ million a year}\end{aligned}$$

The O&M costs for secondary treatment are equal to:

O&M cost for secondary treatment $\times$ price deflator.

This is specifically calculated as follows.

$$\begin{aligned}(1) \text{ O\&M cost }^{12} &= (8.25 \times 10^4)(Q^{.96}), \text{ where } Q \text{ is flow in mgd.} \\ &= (8.25 \times 10^4)(2^{.96}) \\ &= \$.160 \text{ million a year}\end{aligned}$$

$$\begin{aligned}(2) \text{ price deflator }^{13} &= \frac{\text{O\&M index, third quarter 1976}}{\text{O\&M index, first quarter 1978}} \\ &= \frac{206}{230} \\ &= .896\end{aligned}$$

$$\begin{aligned}(3) \text{ O\&M for secondary treatment} &= \text{O\&M cost} \times \text{price deflator} \\ &= \$.160 \text{ million a year} \times .896 \\ &= \$.143 \text{ million a year}\end{aligned}$$

¹¹ "O&M Cost Index Quarterly Recap," Office of Water Program Operations, EPA, first quarter 1976 et seq (hereinafter cited as "O&M Cost Index").

¹² O&M Cost Document, Supra note 3, Figure E. 2-3.

¹³ O&M Cost Index, Supra note 11.

The incremental total annual cost of upgrading in-place secondary treatment to AST is equal to:

(annual capital cost of new AST + O&M for AST) -

(annual capital savings of having in-place secondary treatment + O&M for secondary treatment).

This is specifically calculated as follows, using the results of the previous calculations.

$$\begin{aligned} \text{Incremental total annual cost} &= (\$.633 \text{ million a year} + \$.167 \text{ million a year}) - \\ &\quad (\$.381 \text{ million a year} + \$.143 \text{ million a year}) \\ &= (\$.800 \text{ million a year}) - (\$.524 \text{ million a year}) \\ &= \$.276 \text{ million a year} \end{aligned}$$

Pollutant Removal by POTWs. The other half of calculating the cost per pound of pollutant removed requires the determination of the number of pounds of conventional pollutants removed by advanced secondary treatment beyond secondary treatment. The pounds of pollutants removed equal the flow of the POTW times the change in concentrations of the pollutants as they pass through the system. For the calculations presented here the influent concentration is 210 mg/l for BOD and 230 mg/l for TSS.¹⁴ For a 2 mgd POTW that treats BOD to 30 mg/l and TSS to 30 mg/l the pounds of BOD and TSS removal equal:

$$\begin{aligned} &= \text{flow} \times \text{change in concentration} \\ &= \frac{(2 \text{ million gallons})}{\text{day}} \times \frac{((210 + 230) - (30 + 30)) \text{ mg}}{\text{liter}} \\ &= \frac{(2 \text{ million gallons})}{\text{day}} \times \frac{(380) \text{ mg}}{\text{liter}} \\ &= \frac{(2 \text{ million gallons})}{\text{day}} \times \frac{(380 \text{ mg})}{\text{liter}} \times \frac{(365 \text{ days})}{\text{year}} \times \frac{(3.785 \text{ l})}{\text{gallon}} \times \frac{(1 \text{ lb})}{454,000 \text{ mg}} \\ &= 2.31 \text{ million pounds of BOD and TSS removed per year.} \end{aligned}$$

¹⁴ "Areawide Assessment Procedures Manual, Appendix H, Point Source Control Alternatives," EPA Laboratories, Cincinnati, Ohio, at H-14.

For an advanced secondary treatment plant that treats to 10 mg/l BOD and 10 mg/l TSS the removal is:

$$\begin{aligned}
 &= \frac{(2 \text{ million gallons})}{\text{day}} \times \frac{(210 + 230) - (10 + 10)) \text{ mg}}{\text{liter}} \\
 &= \frac{(2 \text{ million gallons})}{\text{day}} \times \frac{(420) \text{ mg}}{\text{liter}} \times \frac{(365 \text{ days})}{\text{year}} \times \frac{(3.785 \text{ l})}{\text{gallon}} \times \frac{(1 \text{ lb})}{454,000 \text{ mg}} \\
 &= 2.55 \text{ million pounds a year}
 \end{aligned}$$

The incremental removal equals (2.55 million pounds a year) - (2.31 million pounds a year) = .24 million pounds a year.

The effluent characteristics of 30 mg/l BOD and 30 mg/l TSS for secondary treatment were selected, because this is the legal requirement for POTWs as established by EPA. Effluent characteristics of 10 mg/l BOD and 10 mg/l TSS for advanced secondary treatment are used since they represent the best performance for advanced secondary treatment. Using the best recognized performance gives the POTWs credit for removing the most pollutants and therefore tends to bias the per pound cost of pollutant removal downward. This will result in the greatest possible relief for industries. Appendix D discusses this in additional detail. Both the 30 mg/l and the 10 mg/l performance levels correspond to the maximum 30-day average performance of the POTW.

Incremental Cost of Removal. To calculate the cost of pollutant removal of upgrading secondary treatment to advanced secondary treatment, the additional costs must be divided by the additional removal of BOD and TSS. Specifically the calculation is:

$$\begin{aligned}
 &= \frac{\text{incremental total annual costs}}{\text{incremental annual pollutant removal}} \\
 &= \frac{\$.276 \text{ million a year}}{.24 \text{ million pounds a year}} \\
 &= \$1.15 \text{ a pound}
 \end{aligned}$$

This cost is indexed for various time periods below:

Cost of Pollutant Removal

	<u>First Quarter</u>	<u>Second Quarter</u>	<u>Third Quarter</u>	<u>Fourth Quarter</u>
1976	\$1.10	\$1.14	\$1.15	\$1.17
1977	\$1.18	\$1.20	\$1.25	\$1.26
1978	\$1.27	\$1.30	\$1.34	\$1.41

Appendix C—Industrial Category Discussion Summary Table of Data

Following is a category-by-category discussion of the analysis of each of the guidelines reviewed. Included in the discussion are responses to the industry specific comments made by representatives of each industry on the August 23, 1978 proposal.

Following the discussion, Table C1 summarizes the data used in the determination of the reasonableness of the guidelines. The table lists the model plants that were considered for each subcategory for each industry in this review. Column 1 shows the size (small, medium, large) of the model plants. Column 2 shows the cost per pound of conventional pollutant removed.

Dairy Products Processing (40 CFR Part 405)

Pollutants controlled: In all subcategories the only conventional pollutants controlled are BOD₅, total suspended solids, and pH. Nonconventional and toxic pollutants are not controlled.

Methodology: Costs and pollutant removals for model plants in each subcategory are constructed from information contained in the development document. This information is based on production, waste water flow, waste loading and waste load reduction at the BPT and BAT levels, and the costs to achieve those levels. In all of the subcategories, there are different limitations for small and large plants. The limitations for the small plants are less stringent than those for the large plants in the subcategory. Each set of model plants is constructed so as to test the two sets of limitations in each subcategory. The small plant is assumed to receive one-half the level of milk equivalent specified in each subcategory regulation, while the large plant is assumed to receive twice the level of milk equivalent specified in each subcategory regulation. For example, if the size cutoff specified between the different regulations in a subcategory is 100,000 pounds per day of milk equivalent, it is assumed that the small plant receives 50,000 pounds per day and the large plant receives 200,000 pounds per day.

Results: Controls of pH are reasonable because the BAT guidelines do not require stricter control than what is required under BPT, therefore the pH level at BCT is being promulgated equal to BPT control. For all subcategories except the receiving stations, natural and processed cheese, dry milk and condensed whey subcategories, controls of BOD₅ and TSS are reasonable because the model plants exhibit lower costs than a POTW to remove a pound of BOD₅ and TSS. Therefore, those eight BAT regulations for the dairy products processing industry are being withdrawn and identical BCT limitations are being promulgated.

In the receiving stations subcategory, the large model plant is found to have unreasonable costs and the small model plant reasonable costs. Therefore, the Agency is promulgating BCT limitations equal to BAT for small plants processing 150,000 pounds or less of milk equivalent per day and withdrawing the limitations for plants larger than this size cutoff.

In the natural and processed cheese subcategory, the limitations for small plants

are reasonable and the limitations for large plants unreasonable. Therefore, the Agency is promulgating BCT limitations for small plants processing 100,000 lbs/day or less of milk equivalent equal to BAT. The limitations for large plants are being withdrawn.

In the dry milk subcategory, the small plants are found unreasonable and the large plants reasonable. Therefore, the Agency is promulgating the BCT limitations equal to BAT for large plants processing more than 145,000 pounds per day of milk equivalent, and withdrawing the limitations for smaller plants.

In the condensed whey subcategory, the limitations for large plants processing 300,000 pounds per day of fluid raw whey are found unreasonable and are being withdrawn.

For two subcategories, condensed milk (Subpart I) and condensed whey (Subpart K), discharges of barometric condenser water for small plants are allowed for BPT, while no discharge of barometric condenser water is assumed for BAT. The Agency is reviewing comments submitted on the costs for conversion from barometric condensers. The BAT limitations for the small plants (less than 100,000 per day of milk equivalent for condensed milk, and less than 300,000 pounds per day of fluid raw whey for condensed whey) in these subcategories are being withdrawn and BCT limitations will be promulgated after further review.

Industry Comments:

The Agency used data from old development documents which may be outdated and inaccurate.

The Agency has reviewed the existing BAT limitations for this, and all other, secondary industries on the basis of the information in the Agency record supporting those limitations. The gathering of new data would have unduly delayed the completion of the review and was not contemplated by the Congress.

The Dairy industry representatives, with only one exception, did not provide any new data. The data provided by one spokesman was plant specific and not sufficient to represent the industry or the subcategory affected.

The Agency should consider the effects of other government regulations on the costs to the industry of achieving the effluent guidelines.

The limitations are evaluated based on information in the existing record. The effects of other government regulations on the pollutant load or costs of an industry were taken into account as part of the original regulatory development and contained in that record. No new consideration of those effects is warranted.

The Agency should include the costs of treating barometric condenser water in its evaluation of the limitations.

As mentioned above, this factor is being evaluated in the condensed milk and condensed whey subcategories.

The BAT limitations are not technologically achievable.

This review is limited to determining the cost reasonableness of existing regulations. It is not intended to reopen issues of technology which were properly addressed at the time BAT was promulgated.

Grain Mills (40 CFR Part 406)

Pollutants Controlled: In all subcategories tested, the only conventional pollutants controlled are BOD₅, TSS, and pH. Nonconventional and toxic pollutants are not controlled.

Methodology: Data for all sizes of model plants used are taken from the development documents for the industry. The data are based on production, waste water flow, waste loading and waste load reduction at the BPT and BAT levels of control and the costs to achieve those levels of control. In those instances where more than one model plant has been developed to represent the subcategory, the cost test is applied to all model plants.

Results: Controls of pH are reasonable because the BAT guidelines do not require stricter control than required under BPT. Consequently, the pH regulations for all subcategories are being promulgated equal to the pH control at BPT.

Four of the subcategories (normal wheat flour milling, normal rice milling, animal feed, and hot cereal) are subject to a BPT and BAT regulation of zero discharge and therefore do not require any further analysis. BCT will call for a zero discharge limitation for these four subcategories. BAT is being kept in force because the zero discharge limitation applies to all pollutants, not only conventional pollutants.

Of the six remaining subcategories in this category, only one (bulgur wheat flour milling) is determined to be unreasonable. The cost per pound of BOD₅ and TSS removed exceeds the POTW costs. The BAT control of BOD₅ and TSS for this subcategory is being withdrawn.

The remaining five subcategories have reasonable BAT limitations for conventional pollutants. Therefore, the Agency is promulgating the BCT effluent guidelines limitations for the remaining five subcategories (corn wet milling, corn dry milling, parboiled rice processing, ready-to-eat cereal and wheat starch and gluten) equal to the existing BAT effluent limitations guidelines for conventional pollutants.

Industry Comments:

The Agency uses cost figures which are inaccurate and understated.

Data submitted by industry spokesmen showed total costs to be significantly higher than those used by EPA. An analysis of these submitted costs shows, however, that several of the treatment component costs included in the figures are those of technologies required under BPT. The data submitted is not sufficient for the Agency to change its determination of reasonableness since only costs above those required for BPT are appropriate to consider.

Canned and Preserved Fruits and Vegetables Processing (40 CFR Part 407)

Pollutants Controlled: In all subcategories, BOD₅, TSS and pH are controlled. Toxic and nonconventional pollutants are not controlled in any of the subcategories.

Methodology: Data for model plants in all of the subcategories are taken from the development document and economic analysis for the industry. This data includes information on production, waste water flow,

pollutant load concentration, pollutant load reduction at the BPT and BAT levels of control, and costs to achieve those levels of control.

Results: (1) Citrus products, and dehydrated potato products: The limitation of pH is reasonable because it is the same at both BPT and BAT. Therefore, the BCT pH limitation is being promulgated equal to BPT. The BAT guidelines for two of these subcategories for TSS and BOD₅, are determined to be reasonable and are redesignated as BCT.

(2) Apple juice: Two model plants are tested in this subcategory. The large model plant (500 tons per day) is reasonable. The small plant (100 tons per day) is unreasonable. Therefore, the Agency has determined that the BAT limitations for plants processing less than 500 tons per day of raw material will be withdrawn and that BCT limitations for plants processing 500 tons per day or more of raw material will be promulgated equal to BAT.

(3) Apple products: Two model plants are tested in this subcategory. The BAT effluent guideline for the large plant (100 tons per day) is reasonable, while the BAT effluent guideline for the small plant (10 tons per day) is unreasonable. The Agency is promulgating BCT equal to BAT for all plants that have a production of at least 100 tons per day of raw material processed. Additionally, the Agency is withdrawing the BAT limitation for plants processing less than 100 tons per day of raw material.

(4) Canned and preserved fruits, canned and preserved vegetables, canned and miscellaneous specialties: In a separate action, pursuant to an agreement between the Agency and the National Food Processors Association, the BAT limitations for these subcategories have been withdrawn. 44 FR 36033 (June 20, 1979). BCT limitations will be promulgated after further review.

(5) Frozen potato products: The Agency is reviewing data submitted during the comment period. The BAT limitations are withdrawn and BCT limitations will be promulgated after further review.

EPA used outdated and inaccurate data in determining the reasonableness of BAT for the potato processing industry.

Potato processing industry spokesmen submitted data on current operating conditions. As discussed above EPA is reviewing the data submitted.

Sugar Processing (40 CFR Part 409)

Pollutants Controlled: In all subcategories, BOD₅, TSS and pH are controlled. In the beet processing subcategory, fecal coliform is also controlled. No nonconventional or toxic pollutants are controlled.

Methodology: Data for model plants in all of the subcategories are taken from the development documents published pursuant to the promulgation of BAT guidelines. The data includes information on production, waste water flow, pollutant load concentrations, pollutant load reduction at the BPT and BAT levels of control, and the costs to achieve those levels of control.

Results: Three subcategories were considered in this review: beet sugar processing, crystalline cane sugar refining,

and liquid cane sugar refining. The Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory, the Louisiana raw cane sugar processing subcategory, and the Puerto Rican raw cane sugar processing subcategory do not have any BAT regulations in effect. The Florida and Texas raw cane sugar processing subcategory and the Hawaiian raw cane sugar processing subcategory have a BPT effluent limitation of zero discharge. Consequently, no test of reasonableness is required.

For the three subcategories originally tested, controls of pH and fecal coliform are reasonable because the BAT guidelines do not require any additional control beyond BPT.

The Agency is not promulgating its determination of reasonableness in the beet sugar and cane sugar refining subcategories. In the proposed rulemaking, the limitations for all subcategories were found reasonable. In the cane sugar refining subcategories, the Agency is currently reviewing the BAT limitations pursuant to a court agreement with the industry. See *California & Hawaiian Sugar Co. v. EPA*, 553 F.2d 280, 282, n.3. (2 Cir. 1977). The BCT limitations will be established as part of this review. In the interim, the BAT limitations for conventional pollutants are withdrawn. In the beet sugar subcategory, the industry submitted data sufficient to warrant a reevaluation of the Agency's determination of reasonableness.

Industry Comments:

The Agency failed to use current data on costs and pollutant removals to determine the reasonableness of the limitations.

Representatives of the beet sugar industry have provided industrywide data on costs and pollutant loadings. The Agency is still evaluating this data and will promulgate its determination of reasonableness when the evaluation is complete.

Canned and Preserved Seafoods (40 CFR Part 408)

The Agency, in a separate action, is reviewing the BAT limitations for the seafoods industry. When that review is complete, the BCT limitations for this industry will be promulgated. Until that time, the Agency is withdrawing all BAT limitations in the seafood industry.

Cement Manufacturing (40 CFR Part 411)

Pollutants Controlled: In all subcategories the conventional pollutants controlled are total suspended solids and pH. The nonleaching and leaching subcategories also have a temperature limitation.

Methodology: The data for the subcategory model plant are taken from the development document. The data includes information on production, waste water flow, pollutant loads and concentrations, pollutant load reduction at the BPT and BAT levels, and the costs to achieve those treatment levels.

Results: The leaching subcategory is the only subcategory which is tested and is found to have unreasonable limitations for TSS at the BAT level. The Agency is withdrawing the BAT control of TSS for this subcategory, but is retaining the control for pH, redesignating that control as BCT.

The subcategories of nonleaching and materials storage piles runoff were not tested because both are under equal limitations at BPT and BAT. The Agency is promulgating the BCT limitations equal to the BAT limitations.

Industry Comments:

Industry disputed EPA's statement that the BCT limitations for the Nonleaching and Material Runoff Subcategories were to be set at zero discharge.

In Appendix E of its proposed regulation, EPA stated that the BPT and BAT limitations were zero discharge. This was an error; discharge is allowed in these subcategories. However, BPT and BAT limitations are identical, and, in the proposed regulation itself, BCT was set at the correct level. This rulemaking promulgates those limitations as BCT.

Feedlots (40 CFR Part 412)

Pollutants Controlled: The pollutants BOD₅ and fecal coliform are controlled under BPT in the ducks subcategory. The BAT limitation is no discharge of process wastewater. In the other subcategory (all subcategories except ducks) the BPT and BAT limitations are zero discharge. There are no nonconventional or toxic pollutant controls.

Methodology: The only subcategory which has stricter limitations at BAT than BPT is the ducks subcategory. However, the information on the costs and technologies necessary to achieve BAT is not available. Because of this, the BAT limitation for this subcategory is being withdrawn until information becomes available to properly evaluate the limitation.

Results: Subcategory A (all subcategories except ducks) is excluded from the analysis because both BPT and BAT limitations are zero discharge of process wastewater. This limitation will also be used as the BCT regulation.

The BAT limitations for the ducks subcategory are being withdrawn. The BCT limitations for this subcategory will be promulgated after further information is developed to evaluate the subcategory.

Industry Comments:

The Agency improperly found the ducks subcategory to be reasonable without performing the required cost test.

The Agency recognizes this inconsistency and is withdrawing those limitations.

Fertilizer Manufacturing (40 CFR Part 418)

The phosphate subcategory has zero discharge limitations at both BPT and BAT. The effluent resulting from storm runoff also must be treated to certain levels of concentration. These concentration limits are equal at BPT and BAT. Therefore, the BCT limitation is being promulgated equal to BAT.

The ammonium sulfate production and mixed and blend fertilizer production subcategories have zero discharge limitations at BPT and BAT. This same limitation is being promulgated for BCT.

The urea and ammonium nitrate subcategories are being dealt with in a separate rulemaking.

The nitric acid subcategory has no limitations on conventional pollutants.

Industry Comments: No comments were received concerning this industry.

Phosphate Manufacturing (40 CFR Part 422)

Pollutants Controlled: Total suspended solids, total phosphorus, and pH are the controlled conventional pollutants in this point source category. Fluoride, a nonconventional pollutant, is also controlled.

Methodology: Model plant data for the sodium phosphate subcategory (the only subcategory tested) is taken from the development document. The data includes information in production, waste water flow, pollutant loading, pollutant load reduction at the BPT and BAT levels, and the costs associated with achieving those levels of control.

Results: The sodium phosphates subcategory is found to have reasonable BAT limitations for conventional pollutants. Although the incremental costs to meet BAT are not specified, the costs are estimated to be less than 5% of the costs to comply with BPT. Based on this estimate, the cost per pound of TSS removed, if all costs were applied to the removal of TSS, is less than the cost of removal for POTWs. Therefore the BCT control of TSS and pH is being equated to BAT control.

The defluorinated phosphate rock and defluorinated phosphoric acid subcategories have BAT limitations which are equal to their BPT limitation. The Agency is therefore promulgating the BCT limitations equal to the BAT limitations for conventional pollutants. No other subcategories have regulations which are in effect.

Industry Comments: No comments were received concerning this industry.

Ferroalloy Manufacturing (40 CFR Part 424)

Pollutants Controlled: In all subcategories tested, the controlled conventional pollutants are total suspended solids and pH. Toxic pollutants, including chromium, manganese, cyanide and phenols are also controlled in most subcategories.

Methodology: The data for a model plant for each subcategory are from the development documents. All data on model plant production, waste water flow, and pollutant loading, and pollutant control levels are taken from those development documents.

Results: Of the six subcategories analyzed as to the reasonableness of their respective conventional pollutant BAT limitations, three are reasonable and three unreasonable. The three reasonable subcategories are: Subpart A, open electric furnaces and other smelting operations with wet air pollution control devices; Subpart B, covered electric furnaces and other smelting operations with wet air pollution control devices; and Subpart C, slag processing. The BCT limitations for these subcategories are set equal to BAT. The three unreasonable subcategories are: Subpart D, covered calcium carbide furnaces with wet air pollution control devices; Subpart F, electrolytic manganese products; and Subpart G, electrolytic chromium. The BAT limitations for the unreasonable subcategories are therefore withdrawn and BCT limitations will be set at a later date.

Subpart E, other calcium carbide furnaces, has a BPT and BAT limitation of zero discharge and is, therefore, not included in the analysis. The BCT limitation is being

promulgated as zero discharge for this subcategory.

Industry Comments:

The industry does not believe TSS to be an indicator of toxic pollutants. If it is designated such, then costs attributable to the Resource Conservation and Recovery Act should also be considered in the BCT cost test.

The designation of TSS as an indicator of toxic pollutants in this industry is only a possibility. If the TSS limitation in this industry is called a toxic indicator, the TSS parameter would also be controlled under BAT.

The Agency used model plants which vary considerably in size from those found in the development document.

Model plants in the industry were developed to find a flow size for the cost comparison to a POTW in the proposed methodology. The revised methodology eliminates the need to develop flow sizes for model plants. The development document indicates a constant cost per megawatt-hour (Mwhr) of power use. The effluent limitations are set on a pounds per Mwhr basis. The cost per pound is calculated by dividing the cost per Mwhr by the pounds of removal per Mwhr. The result is the same as that stated in the proposed rules.

Glass Manufacturing (40 CFR Part 426)

Pollutants Controlled: Total suspended solids and pH are controlled in all subcategories. Three subcategories have increased controls for oil. Additionally, three subcategories have controls of other pollutants such as fluoride and lead.

Methodology: Data for a model plant for each subcategory tested are from the industry development documents. The data includes information on production, waste water flow, pollutant concentrations, and treatment costs to achieve the BPT and BAT limitations, as well as the pollutant load reductions for each level of control.

Results: The BPT and BAT limitation for process water in the insulation fiberglass subcategory is zero discharge. Specific limitations are established at BPT on the discharge of conventional pollutants and phenols from wet air pollution control devices. The BAT limitation is zero discharge from all sources. Since the zero discharge limitation controls phenols, a toxic pollutant, no BCT analysis is required. A BCT limitation of zero discharge from all sources is being promulgated.

The sheet glass and rolled glass subcategories are not analyzed because the BPT limitation is zero discharge. BCT is also being promulgated as zero discharge for these subcategories.

The plate glass subcategory is the only subcategory of those tested to be found reasonable. The Agency is promulgating the BCT control of conventional pollutants equal to the BAT control of conventional pollutants in this subcategory.

All other subcategories (float glass manufacturing, automotive glass tempering, automotive glass laminating, glass container manufacturing, television picture tube envelope manufacturing, incandescent lamp envelope manufacturing and hand pressed

and blown glass manufacturing) are found to be unreasonable and the BAT control of conventional pollutants is being withdrawn. In the hand pressed and blown glass subcategory, no cost information is available for the analysis. However, the technology and pollutant loads are similar to the rest of the unreasonable subcategories. On this basis, it is assumed that costs would be similar, and unreasonable.

Industry Comments: No comments were received concerning specific industry issues.

Meat Products (40 CFR Part 432)

Pollutants Controlled: In all subcategories tested, the conventional pollutants controlled are TSS, BOD5, oil and grease and pH. Ammonia, a nonconventional pollutant, is also controlled in all subcategories. However, the ammonia limitation has been remanded in the simple slaughterhouse, complex slaughterhouse, low processing packinghouse and high processing packinghouse subcategories.

Methodology: The data for model plants for each subcategory are from the development documents for the regulations. The data includes information on production, waste water flow, pollutant concentrations, pollutant reductions at the BCT and BAT levels of control, and the costs to achieve those levels of control for each model plant.

Results: For subparts A through D, portions of the BAT limitations not applying to conventional pollutants have been remanded by the courts. In one of these subcategories, the TSS limitations were also remanded. In response to this removal, these limitations are currently being reviewed. In the interim, the Agency is withdrawing the remaining BAT limitations for BOD5 and TSS. The limitations for fecal coliform and pH in these subcategories are being retained because controls of these pollutants are the same at BPT and BAT.

In the case of four additional meat industry subcategories, subparts E through I, the Agency is conducting a review of the limitations beyond BPT, so BCT is not being promulgated at this time. The final limitations will be promulgated at a later date.

In the small processor subcategory, there are minimal costs associated with the BAT limitations. The costs of such additional removal are reasonable and the Agency is promulgating BCT equal to BAT.

The limitations in the renderer subcategory are reasonable. The waste water flow allows the existing end-of-pipe treatment system to remove ammonia and conventional pollutants. This technology was chosen as the most cost-effective means of controlling ammonia, a nonconventional pollutant. The costs are totally attributable to ammonia control in this case.

Industry Comments:

A substantial portion of the costs of treatment are attributable to conventional pollutant control. Not all costs should be allocated to ammonia control.

The Agency is reviewing its determination of reasonableness for the meat cutter, sausage and luncheon meats, ham processor and canned meats subcategories based on this comment. These subcategory regulations include extensive added and of

treatment beyond BPT, part of which could be attributable to conventional pollutant control. In the renderer subcategory, there is no added end-of-pipe treatment beyond BPT, part of which could be listed above. For the reasons stated above, the Agency is promulgating the BCT regulations for the renderer subcategory equal to BAT.

Other Industries

There are industrial categories and subcategories, other than those listed previously, that are not tested for reasonableness. These categories were excluded from the analysis because they do not have any regulations in effect, or have only BPT regulations in effect.

The industrial categories which have no regulations in effect are: water supply; miscellaneous foods and beverages; transportation; fish hatcheries and farms; steam supply; clay, gypsum, refractory, and ceramic production; concrete products; and shore receptors and bulk terminals.

Three additional industrial categories have in effect only the BPT limitations. These are offshore oil and gas extraction, hospitals, and mineral mining and processing. The mineral mining and processing category also has some subcategories which have no limitations in effect.

The Asbestos industrial category has a BAT limitation of zero discharge in seven subcategories. These subcategories are not analyzed because the zero discharge limit is for the control of toxic pollutants and is not subject to review.

Table C1.—Summary of Data

Industry and subcategory	1 Model Plant size	2 Model* Plant \$/lb.
Dairy		
1. Receiving stations.....	s	0.58
2. Fluid produce.....	i	1.55
3. Cultured produce.....	s	.12
4. Butter.....	i	.76
5. Cottage, cream cheese.....	s	.29
6. Natural, processed cheese	i	.99
7. Fluid mix for ice cream.....	s	.59
8. Ice cream, frozen	i	.35
9. Condensed milk.....	s	1.06
10. Dry milk.....	i	.61
11. Condensed whey.....	s	1.21
12. Dry whey.....	i	.38
Grain mills		
13. Corn wet milling.....	s	.98
14. Corn dry milling.....	m	.92
15. Bulgar wheat.....	i	1.09
16. Parboiled rice.....	s	1.63
17. Ready-to-eat cereal.....	i	1.05
18. Wheat starch and gluten...	s	.39
Canned and preserved	i	.80
fruits and vegetables		

Table C1.—Summary of Data—Continued

Industry and subcategory	1 Model Plant size	2 Model* Plant \$/lb.
19. Apple juice.....	s	1.16
20. Apple products.....	i	1.79/3.74
21. Citrus products.....	s	.35
22. Frozen potato.....	i	.39
23. Dehydrated potato.....	s	.13
24. Canned and preserved	Withdrawn pending further	
fruits.	study.	
25. Canned and preserved	s	.20
vegetables.	i	.13
26. Canned and	Withdrawn in separate action.	
miscellaneous specialties.		
Canned and preserved	Do.	
seafoods	Do.	
27. Farm raised catfish.....	Do.	
28. Conventional blue crab.....	Do.	
29. Mechanized blue crab.....	Do.	
30. Nonremote Alaskan crab ..	Do.	
31. Remote Alaskan crab.....	Do.	
32. Nonremote Alaskan whole	Do.	
crab.	Do.	
33. Remote Alaskan whole	Do.	
crab.	Do.	
34. Dungeness and tanner	Do.	
crab.	Do.	
35. Nonremote Alabama	Do.	
shrimp.	Do.	
36. Remote Alabama shrimp...	Do.	
37. Northern shrimp.....	Do.	
38. Southern nonbreaded	Do.	
shrimp.	Do.	
39. Breaded shrimp.....	Do.	
40. Tuna.....	Do.	
41. Fish meal w/out solubles	Do.	
plant.	Do.	
42. West coast butchered	Do.	
salmon.	Do.	
43. West coast mechanized	Do.	
salmon.	Do.	
44. Non-Alaskan Conventional	Do.	
bottom fish.	Do.	
45. Non-Alaskan Mechanized	Do.	
bottom fish.	Do.	
46. Handshucked clam.....	Do.	
47. Mechanized clam.....	Do.	
48. Pacific handshucked	Do.	
oyster.	Do.	
49. Atlantic and Gulf hand-	Do.	
shucked oyster.	Do.	
50. Steamed and canned	Do.	
oyster.	Do.	
51. Sardine.....	Do.	
52. Non-Alaskan scallop.....	Do.	
53. Non-Alaskan herring fillet...	Do.	
54. Abalone Processing.....	Do.	
Sugar processing		
55. Beet sugar.....	Not Promulgated pending	
56. Crystalline cane sugar.....	further study	
57. Liquid cane sugar.....	Do.	
Cement manufacturing:	Do.	
58. Leaching.....	t	4.40
Feedlots		
59. Ducks.....	Data not available, withdrawn.	
Ferroalloys		
60. Open electric furnaces	t	.84
wet.	t	.83
61. Covered electric and	t	.02
smelting wet.	t	1.58
62. Slag Processing.....	t	.95
63. Covered calcium carbide	t	1.98
wet.	t	
64. Electrolytic manganese.....	t	
65. Electrolytic chromium.....	t	
Glass manufacturing		
66. Ins. Fiberglass.....	t	(1)
67. Plate.....	t	.33
68. Float.....	t	14.42
69. Auto tempering.....	t	2.88

Table C1.—Summary of Data—Continued

Industry and subcategory	1 Model Plant size	2 Model* Plant \$/lb.
70. Auto laminating.....	t	5.58
71. Container.....	t	3.80
72. Tubing.....	t	2.76
73. TV picture tube.....	t	8.56
74. Incandescent Lamp	t	26.29
envelope.		
75. Hand pressed and blown ..	Costs unknown.	
Asbestos		
76. Cement Pipe.....	Not part of BCT review	
	because pollutants are	
	toxics.	
77. Cement sheet.....	Do.	
78. Paper starch binder.....	Do.	
79. Paper (elastomeric binder)	Do.	
80. Roofing.....	Do.	
81. Floor File.....	Do.	
82. Wet Dust Collection.....	Do.	
Meat products		
83. Simple slaughterhouse.....	Regulations remanded by the	
	court, regulations	
	suspended.	
84. Complex slaughterhouse...	Do.	
85. Low Processed	Do.	
packaginghouse.	Do.	
86. High processed	Do.	
packaginghouse.	Do.	
87. Small Processed.....	No costs associated with	
	meeting BAT.	
88. Meat cutter.....	Withdrawn pending further	
	study.	
89. Sausage and luncheon.....	Do.	
90. Ham processing.....	Do.	
91. Canned meats.....	Do.	
92. Renderers.....	t	0
Phosphates		
93. Sodium phosphates.....	Minimal costs associated with	
	meeting BAT.	

xs=Extra small size model plants.
s=Small size model plants.
m=Medium size model plants.
l=Large size model plants.
t=Typical size model plants.

*The model plant \$/lb. is compared to a POTW cost of \$1.15 to determine reasonableness.

†BAT technology applies to wastewater of wet scrubbers only, costs and removals not available.

Appendix D—Responses to Comments

1. *Comment*—Several comments state that the Act requires the application of two tests in determining an appropriate BCT. Two supplemental tests are suggested by commenters. One involves some measure of water quality benefits, while the other calls for an examination of the cost-effectiveness of pollutant removal within an industry subcategory.

Response—Commenters base their assertion that the Act requires the use of two tests in establishing BCT on the specific language of Section 304(b)(4)(B). This subsection requires the Administrator to consider:

The reasonableness of the relationship between the costs of attaining a reduction in effluent and the effluent reduction benefits derived, and the comparison of the cost and level of reduction of such pollutants from the discharge from publicly owned treatment works to the cost and level of reduction of such pollutants from a class or category of industrial sources * * * (emphasis added).

Although many commenters assert that this section requires the use of two tests, most simply point to the conjunctive nature of the clause contained in that section. Few suggest alternative tests.

In developing the proposed BCT methodology, EPA carefully examined the language of the statute and its legislative history. The Agency has fully and exhaustively looked at a number of alternative approaches and believes that the methodology detailed here fully satisfies Congressional intent.

The range of other tests which have been considered independently or as a supplement to the promulgated approach are detailed in the proposal (see 44 Fed. Reg. 37606-07). In fact, EPA did apply a second test, the "concentration test", in the proposed rulemaking, but for reasons explained elsewhere, this test is not being included in the final methodology.

Several commenters argue that, in addition to any POTW comparison, the local water quality benefits of applying BCT must be examined. They rely on that portion of section 304(b)(4)(B) which requires that BCT include consideration of "effluent reduction benefits." Consideration of "effluent reduction benefits" is already required in setting BPT limitations, and EPA has consistently interpreted this phrase as requiring an evaluation of the total incremental amount of pollutants removed by application of the effluent limitations. Courts have agreed that the phrase does not require an assessment of the benefits to local water quality. See, e.g., *Weyerhaeuser Co. v. Costle*, 590 F.2d 1011 (D.C. Cir. 1978); *American Petroleum Institute v. EPA*, 540 F.W.2d 1023 (10th Cir. 1976). As in the case of BPT and BAT, BCT limitations are nationally applicable technology-based limitations for which it is impossible to identify localized water quality benefits. However, EPA does consider "effluent reduction benefits" when the total quantity of pollutants removed is calculated and a cost per pound determined.

Several commenters argue that a "knee-of-the-curve" assessment be made which would identify the point at which the rate of increasing costs drastically begins to exceed pollutant removal rates. EPA agrees that the "knee-of-the-curve" analysis could conceptually be a valid consideration in determining BCT, and indeed one factor in assessing POTW costs was such an analysis. Nonetheless, the Agency found this concept impossible to apply in determining industry cost ratios. First, any determination of "knee-of-the-curve" requires large amounts of data about the performance of various levels of treatment technology. Such data is

not now available and, in industries with limited technology options, cannot be developed. More fundamentally, this assessment involves the presumption that there is, in fact, some point where costs dramatically begin rise in relation to effluent reduction benefits. In virtually no case can such a point be identified for industrial sources. First, limited data do not yield sufficient information to plot any accurate graph of "cost to benefits". Second, in some cases, costs do not rise exponentially; certain later stages of treatment may in fact be more cost-effective than the necessary preliminary steps. In the absence of any "knee-of-the-curve" benchmark, there is no point at which costs can be said to be unreasonable in relation to benefits.

Some commenters suggest that a "knee-of-the-curve" be determined based on the ratio of the average cost of achieving BPT to the cost to progress from BPT to BAT. No suggestion is made, however, as to what ratio should be considered unreasonable. Again, this approach provides no benchmark for determining a point at which BCT costs are reasonable. Congress, however, established the POTW cost comparison which provides just such a benchmark.

2. *Comment*—Several commenters state that EPA should use BPT as a starting point in evaluating the reasonableness of existing limitations. They point to statements in the legislative history of the 1977 Amendments indicating that BPT was to be the starting point in determining BCT limitations. This statement is supported by citations of the legislative history which indicate that certain Members of Congress believed that BPT was generally an adequate level of control, and that BAT was probably unreasonably stringent.

EPA agrees that the purpose of establishing BCT is to insure that requirements beyond BPT are not unreasonable. EPA will allow only BPT to remain in-effect where further controls are appropriate. The POTW comparison establishes the maximum point at which costs are reasonable in relation to benefits. The Agency uses BPT as the base for determining the reasonableness of incremental levels of control.

3. *Comment*—EPA's proposed "concentration test" has no statutory basis and, moreover, fails to account for variation in influent pollutant concentrations and penalizes industries which practice water conservation.

Response—In order to provide for greater flexibility in conducting the industry BCT reviews, EPA proposed that a concentration test be performed where industries that had treatment costs higher than POTW costs. In this

test, the effluent concentration of the industry subcategory was compared to the effluent of a POTW at secondary treatment, and, if the industrial effluent showed significantly higher concentrations of pollutants, BAT for the industry was determined to still be reasonable.

EPA agrees with many of the criticisms of the concentration test. Although the legislative history indicates that, in some cases, industries failing the POTW test may still have reasonable limitations, the use of this concentration test present problems. It may actually be a disincentive to water conservation, and it fails to account for differences in influent concentrations. Further, it may not be a good measure of treatment efficiencies. The test is therefore being dropped.

4. *Comment*—Several commenters assert that EPA, in establishing its cost comparison methodology, fails to consider additional factors specified by Congress.

Response—Section 304(b)(4)(B) provides that in establishing BCT the Administrator must consider a range of factors in addition to the cost reasonableness assessment. Such factors include, among others, the age of equipment, production processes and energy requirements. These factors are, however, identical to those which must be considered in establishing BAT, and have already been evaluated for those BAT limitations which have been found to be reasonable. When new BCT limitations are promulgated, these factors will be assessed when evaluating candidate technologies.

5. *Comment*—EPA should use a single number POTW cost figure for comparison with industry costs.

Response—In its proposed methodology, EPA compared the cost per pound of removal for industries with those of POTWs of comparable flow. Costs for these POTWs ranged from \$0.36 to \$1.72 per pound. This approach resulted, in some cases, in industries with low costs for removal being found to have unreasonable limitations, while limitations on industries with high costs were found to be reasonable. To remedy this problem, EPA now will use a single POTW cost figure for comparison with all industries. As discussed in Appendix B, this single number is based on costs for removal at a 2 mgd POTW. This size facility was selected based on a flow weighted average of existing POTWs.

6. *Comment*—Several commenters argue that EPA's use of the increment from BPT to BAT in its cost calculation underestimates the marginal costs of removal at BCT. These costs are underestimated, it is argued, because

costs are likely to rise at a much steeper rate as treatment levels reach BAT.

Response—EPA believes that use of the BPT to BAT increment appropriately reflects the costs per pound to achieve increased levels of control. For purposes of this review of the secondary industries no other increment could have been used. For most of these industries cost data was only available for the BPT and BAT technologies, and, since Congress did not intend that EPA undertake extensive new analyses, this was the only increment available for calculating BCT costs.

For any industry which BCT is established in the future, including the primary industries, EPA will evaluate the increment from BPT to the candidate BCT technology. This increment most accurately reflects the costs to upgrade existing facilities from BPT to BCT. Only such increased levels of control which pass the cost reasonableness assessment may be established as BCT.

The increment of BPT to BAT is suitable for several reasons. First, this increment does approximate the marginal costs of removal at the BCT candidate level. While use of narrower increments based on intermediate levels of technology might yield better approximations, none would accurately reflect marginal costs and thus, even these increments would be subject to the same criticism. Second, it is difficult to select the intermediate technologies to calculate costs and removals, since selection of intermediate technologies is, of necessity, arbitrary. If an intermediate increment were used, alternative increments could in all cases be identified which would affect the cost per pound calculation. Lastly a methodology which employed the suggested approach could not feasibly be employed by permit writers to set BCT limitations on a case-by-case basis.

Use of the increment from BPT to the candidate technology avoids these problems. Although various candidates might be evaluated, calculations of the cost per pound for each is certain since they are based on a fixed interval from BPT to the candidate level.

7. Comment—Several commenters argue that EPA should calculate POTW cost per pound of removal based on the increment from primary to secondary treatment or from raw waste load to secondary treatment.

Response—As discussed in the preamble section, "Modifications to the Proposal", EPA believes that for purposes of the BCT comparison, the increment from secondary to advanced secondary most accurately reflects costs per pound of pollutant removal at POTWs. This increment approximates

marginal costs at secondary treatment, represents a narrow, cost-effective increment beyond secondary treatment, and parallels the increment used in the industry calculation.

Commenters suggest that EPA should calculate the POTW cost comparison figure to emphasize the initial cheapest pounds of pollutants removed by POTWs. EPA believes that this is clearly contrary to Congress' intent in this matter. Congress acknowledged that current BPT treatment requirements are reasonable, and that costs to achieve BPT were not to be included in industrial calculations. Inclusion of costs to go from raw waste load or primary treatment to secondary treatment in calculating POTW costs, however, would be comparable to calculation of BCT based on the costs to industry to progress from no control to BCT. Nor do any such increments have any conceptual value in identifying the marginal costs of treatment. Use of such increments biases the POTW figure and obviously leads to a very low POTW cost comparison figure.

8. Comment—Commenters argue that the POTW calculation is based on treatment practices that are peculiar to POTWs and not typical of industrial treatment. They notice that industry generally removes a greater percentage of pollutants and that industries generally have higher influent concentrations.

Response—The POTW/industry cost comparison was established by Congress. It is not intended to compare technology practices; rather, the costs to POTWs for treatment, regardless of the type of treatment, serve as a benchmark for measuring the reasonableness of costs to industry.

9. Comment—Several commenters feel that it is improper for EPA to include COD and oil and grease in the BCT analysis because these parameters had not been officially determined to be conventional pollutants at the time of the BCT proposal last August.

Response—EPA has withdrawn its proposal to designate COD as a conventional pollutant, and therefore it is not used in the BCT calculations. Oil and grease has, however, been designated as a conventional pollutant and will continue to be included in the BCT methodology.

10. Comment—One commenter states that the addition of the pounds of TSS and BOD might, in some cases, result in the "double counting" of pollutants removed. Other commenters object to the substitution of oil and grease or COD for BOD.

Response—In developing its methodology, EPA was aware of the

difficulties of calculating total pounds of conventional pollutants removed. In many cases treatment equipment removes more than one pollutant, and, in some cases, a pollutant can be properly classed as more than one type of pollutant. To minimize this problem EPA has divided into two classes the pollutants which may tend to be double counted. These classes are solids (TSS), and oxygen demanding substances (BOD and oil and grease). Only one pollutant from each class will be included in the calculation. Thus, if both BOD and oil and grease are removed by an industry, only the parameter with the greater amount of removal will be used. This methodology helps ensure that an industry is not attributed artificially low cost per pound of removal because of the double counting of these pollutants.

Additionally, any problem of double counting between classes is greatly reduced by the fact that the same methodology is employed in both the POTW and industry cost per pound calculations. Any decrease in cost per pound attributable to such double counting will occur on both sides of the cost comparison.

11. Comment—Several respondents express concerns that the treatment costs they would bear at the BAT level would result in severe economic hardships. They request that EPA give greater attention in the BCT review to assessing the magnitude of possible economic impacts and that the Agency consider these impacts when making the BCT determinations.

Response—The purpose of this review was to determine whether existing regulations were "cost reasonable." EPA addressed the question of overall economic impacts during the initial development of BAT regulations. When these BAT limitations were established, the economic impacts were considered along with the other necessary factors. Regardless, no additional impacts will result from these BCT limitations, and for many industries some cost savings will occur.

12. Comment—Some commenters state that the methodology employed to calculate conventional pollutants removed should be based on the long-term performance of a treatment system rather than the maximum average effluent quality allowable over any 30 day period. They argue that use of the 30 day maximum allowable discharge in the BCT calculation inappropriately biases the costs of removal downward.

Response—EPA continues to believe that calculations of total pollutant removal should be based on the maximum levels allowed for the average

of any 30 day period. These 30 day limitations are contained in all effluent limitations guidelines and are the primary limitation relied on for enforcement of the Act. Long term average limitations have been written for only a very small number of subcategories, and data on such long term compliance is not, in most cases, collected.

EPA recognizes that variability in pollutant concentrations can affect the calculation of long term removal rates based on 30 day averages. Nonetheless, such variability exists with respect to POTWs as well as industrial effluents, and use of the same time period to calculate pollutant removals for industries and the POTWs should minimize the problem.

13. Comment—New Source Performance Standards (NSPS) should be subject to the BCT cost reasonableness assessment.

Response—EPA believes that BCT only applies to existing sources and that NSPS is not affected by BCT decisions. This is supported by both the language and legislative history of section 304(b)(4)(B). First, section 304(b)(4)(B) is, on its face, limited in application to existing sources; section 306 contains the requirements applicable to new sources. Further, Congress was quite explicit in stating that BCT was designed to replace BAT for industrial sources. There is no indication in the legislative history that Congress was dissatisfied with, or intended to modify, the NSPS applicable to new sources. Finally, new sources may, in permits subsequent to their first, be subject to BCT. New sources receive NSPS limitations only in their initial permit. Any subsequent, and more stringent, limitations on conventional pollutants will be subject to the BCT cost reasonableness analysis. Such limitations could not be imposed until after the expiration of the exemption period specified in section 306(d).

14. Comment—Several commenters note that a variety of factors, particularly climate, can affect the cost of compliance with effluent limitations.

Response—Although technology-based limitations are to be set on a national basis, EPA does consider whether variation with respect to factors such as climate affects the ability of industrial dischargers to achieve such limitations. Thus, the effects of climate and similar factors were included in the original assessment of BAT limitations.

15. Comment—Several respondents suggest that EPA consider lessening the stringency of pH requirements so as to reduce treatment costs and improve

treatment efficiencies. These respondents note that pH ranges slightly below 6 or above 9 have no significant water quality impact and, moreover, in other BAT regulations, EPA allows for pH in excess of 9.

Response—The purpose of this rulemaking is to review existing BAT regulations that are more stringent than BPT. In all cases, the pH regulations for secondary industries are the same at both BPT and BAT. Therefore, there is no basis for changing the pH limitations as a result of the BCT review. The validity of the Agency's pH limitations were subject to challenge when the original BPT limitations were promulgated. The Agency has received petition for modification of certain pH limitations. That petition is currently under review.

16. Comment—The definition of contaminated nonprocess wastewater implicitly condones poor maintenance, careless operation and/or lack of preventive maintenance.

Response—The definition of nonprocess wastewater was developed as the result of a court suit which required EPA to define more precisely the different types of wastewater. The purpose of the BCT review is to evaluate the "cost reasonableness" of regulations as they exist, not to reassess any existing terminology or treatment. EPA will not at this time reconsider the definition.

17. Comment—Commenters raise a range of technical issues regarding EPA's use of the documents identified in the April 2, 1979 Federal Register (40 CFR 405 through 432). Such issues include the validity of the underlying data base, inconsistencies in presentation of data in two documents relied on by the Agency, the statistical techniques employed, and the validity of the results.

Response—EPA has evaluated each of these criticisms at length. Although detailed responses to each of these comments are not included here the Agency has carefully considered these comments and believes that it has employed a sound methodological approach and that the results are valid.

18. Comment—EPA annualized POTW capital costs at a 10 percent interest rate, yet EPA has previously used a 6% percent rate for evaluating the costs of new POTWs. The former rate results in POTW costs being higher than is appropriate.

Response—EPA considers the 10 percent interest rate to be proper in determining total annual POTW costs. The 10 percent rate is cited in the Office of Management and Budget Circular A-94 for use in Agency programs not

covered by the Water Resources Council principles and standards. Although the 6% percent rate has been used by the Agency to achieve the goal of emphasizing capital intensive projects such as land treatment, this same notice states that "use of the 10-percent discount rate would help produce a more economically efficient distribution of construction grant funds." 40 Fed. Reg. 44022, 44032 (September 27, 1978).

19. Comment—Several commenters assert that the POTW data used by EPA was both inaccurate and overstated.

Response—Since proposal, EPA has improved its POTW cost data. After proposal of the BCT methodology EPA identified new data provided in two EPA documents, "Construction Costs for Municipal Wastewater Treatment Plants: 1973-1977" and "Analysis of Operations and Maintenance Costs for Municipal Wastewater Treatment Systems." Both of these documents represent empirical and bid data on POTW costs. EPA published a notice of its intention to use this data and public comment was solicited 44 FR 19214 (April 12, 1979). No commenter recommended more current or complete references than these.

20. Comment—Many commenters complain that EPA used old, out-dated information on industries in performing its BCT evaluation.

Response—In performing the review of secondary industry BAT guidelines, the Agency restricted its gathering of data to the development documents and the economic analyses documents which were published in support of the promulgation of the BAT guidelines for each industrial category. Congress, when it established BCT in the 1977 Clean Water Act Amendments, required the Agency to perform an immediate "90 day" review of BAT guidelines for secondary industries. Therefore, Congress seems to have intended that EPA rely on existing data and not undertake extensive and time consuming new analyses of industries.

Obviously, EPA has not managed to complete this review in the short time asked by Congress. This delay has resulted from the complexity of the issues involved and review of the extensive comments received. Although this rulemaking is late, any requirement to gather data on each of the many subcategories evaluated here would require several additional years of study, and this would be far more time consuming than the Agency believes Congress intended.

EPA has, however, reviewed all data submitted by industry. In several cases, where such data seriously question the accuracy of the data used in this review,

the Agency has delayed promulgation of BCT limitations to allow a more thorough investigation. Regardless, the Act provides that BCT will be subject to periodic reexamination and review.

21. *Comment*—Some commenters disagree with EPA's statement (made in the August 23, 1978 proposed rules) that Executive Order 12044, "Improving Government Regulations," does not apply to the proposed action because the proceeding was pending at the time the order was issued; some also say that regulatory analysis is required because this regulation will result in an annual effect on the economy of \$100 million or more and because the regulations will result in a major increase in costs and/or prices; some further comment that an economic impact statement must be prepared in accordance with Executive Order 11821 and 11949, if the proceeding was pending when Executive Order 12044 was issued.

Response—EPA continues to assert that Executive Order 12044 does not apply to this action because the BCT rulemaking proceedings were pending on March 23, 1978, the date Executive Order 12044 was issued.

However, even if the Executive Order did apply, the Agency sees no necessity for performing a regulatory analysis in this case. EPA's criteria for conducting regulatory analysis states that regulatory analysis will be performed when the impacts of the regulations cause additional annual costs of compliance in excess of \$100 million or production cost increases result in price increases of 5% or more. 44 Fed. Reg. 30988 (May 29, 1979). However, this action decreases costs of compliance from those required by existing regulations. BCT requirements are in no case more stringent than original BAT regulations and, for most subcategories, existing regulations are being withdrawn. The Agency also does not believe that an economic impact statement must be prepared in accordance with Executive Orders 11821 and 11949. The economic impacts of the regulations were examined when the original BAT standards were established, and no greater impacts will result from this action. The sole purpose is to determine if the BAT standards meet the additional BCT test.

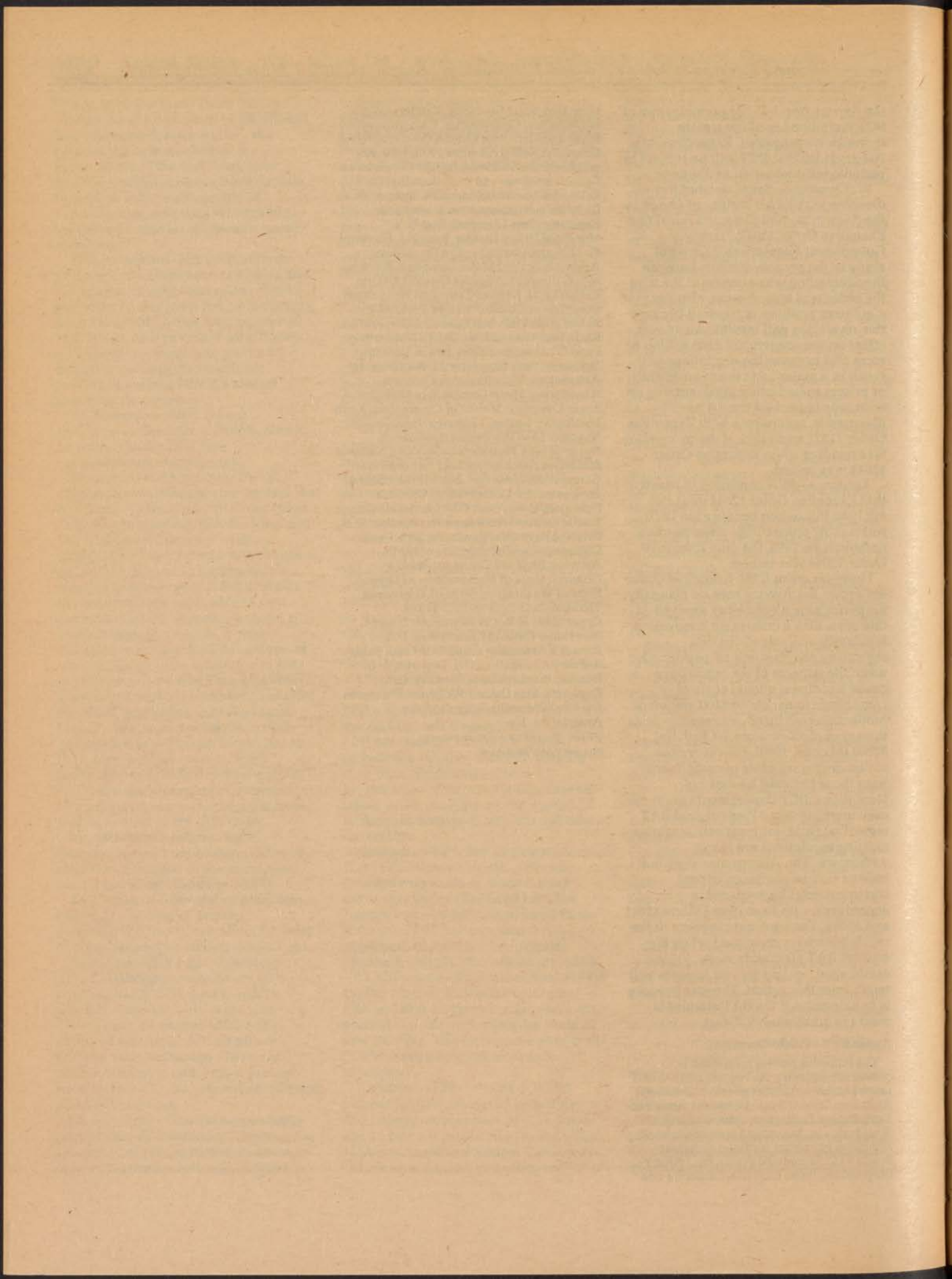
Appendix E—Public Comments

The following parties responded with comments regarding the August 23, 1978 BCT proposed rules: Alto Cooperative Creamery; American Crystal Sugar Company; American Farm Bureau Federation; American Iron and Steel Institute; American Paper Institute; American Petroleum Institute; Anheuser-Busch, Inc.; Arnold and Porter, Inc.; Atlantic Corporation; Boise Cascade; California and

Hawaiian Sugar Company; Canners League of California; CF Industries; Cleary, Gottlieb, Steen and Hamilton; Clinton Corn Processing Company; Collier, Shannon, Rill, Edwards and Scott; Consolidated Badger Cooperative; Council on Wage and Price Stability; Corn Refiners Association, Inc.; CPC International; Dairy Industry Committee; Dean Foods Company; Dow Chemical; East Bay Municipal Utility District; Ronald J. Eberhard; Eli Lilly and Company; The Ferroalloys Association; Ford Motor Company; Frito-Lay, Inc.; Galloway Company; General Electric Company; H. J. Heinz Company; Holly Sugar Corporation; Tom Holmes; H. P. Hood, Inc.; Kaiser Aluminum and Chemical Corporation; Kraft, Inc.; Lake to Lake Dairy Cooperative; Land O'Lakes, Inc.; Mary Lewis; Lone Star Industries, Inc.; Long Island Duck Growers Association; Manufacturing Chemists Association; Mead Corporation; Michigan Sugar Company; Mobil Oil Corporation; Keith Montombe; National Fisheries Institute, Inc.; National Food Processors Association; National Milk Producers Federation; National Renderers Association, Inc.; National Steel Corporation; New York State Department of Environmental Conservation; Offshore Operators Committee; Olin Chemicals Group; Pacific Seafood Processors Association; E. B. Pugsley; Reynolds Aluminum; Scott Paper Company; Shellfish Institute of North America; Shell Oil Company; Snokist Growers; State of Florida; State of Oregon; State of Washington; State of Wisconsin; Tenneco, Inc.; Texaco, Inc.; Texas Department of Water Resources; U and I, Inc.; Union Carbide Corporation; U.S. Brewer's Association, Inc.; U.S. Cane Sugar Refiners Association; U.S. Department of Interior; Warners Duck Farm; Wells Engineers, Inc.; Donald Williams; Wisconsin Dairies; Wisconsin Dairy Products Association, Inc.

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August 29, 1979

Part III

Environmental Protection Agency

Hazardous Substances; Determination of Reportable Quantities; Designation; Memorandum of Understanding Between EPA and Coast Guard on Assessment of Civil Penalties for Discharges of Oil and Designated Hazardous Substances; Proposed Removal of Lime from List and Proposed Application Requirements for NPDES Permits

**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Part 117****[FRL 1305-2]****Water Programs; Determination of
Reportable Quantities for Hazardous
Substances****AGENCY:** Environmental Protection
Agency.**ACTION:** Final rulemaking.

SUMMARY: This regulation establishes reportable quantities for substances designated as hazardous under section 311(b)(2)(A) of the Clean Water Act and sets forth requirements for notification in the event of such discharges. This regulation should be read in conjunction with 40 CFR Part 116: Designation of Hazardous Substances, as well as "Memorandum of Understanding Between the Environmental Protection Agency and the United States Coast Guard Concerning the Assessment of Civil Penalties for Discharges of Oil and Designated Hazardous Substances Under Section 311 of the Clean Water Act"; Proposed Regulations to Delete Lime from the List of 299 Hazardous Substances; and Request for additional Comments on Proposed Application Requirements for National Pollutant Discharge Elimination System (NPDES) Permits and on Proposed Rules for Regulating Indicator Parameters, which are being published in this *Federal Register* issue, and which directly relate to the implementation of these regulations.

EFFECTIVE DATES: These regulations will be effective September 28, 1979, except for discharges of hazardous substances which have been offered to common carriers who are required to accept such substances for shipment in compliance with applicable tariffs. EPA will publish notice in the *Federal Register* announcing the effective date of these regulations to such discharges.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Mackenthun, Director, Criteria and Standards Division (WH-585), Office of Water Planning and Standards, EPA, 401 M Street SW., Washington, D.C. 20460, (202) 755-0100.

SUPPLEMENTARY INFORMATION:**Background**

On March 13, 1978, the Environmental Protection Agency ("EPA") issued regulations under section 311 of the Clean Water Act ("CWA" or "the Act") to control the discharge of hazardous substances. (43 FR 10474). Part 116 in Title 40 designated 271 substances as hazardous; Part 117 determined the removability of each of these

substances; Part 118 determined the harmful quantity for each substance; and Part 119 set forth the Agency's determination of units of measurement and rates of penalty for each hazardous substance. On the same day, EPA proposed regulations designating an additional 28 substances as hazardous.

Prior to their effective date, the regulations were challenged in several law suits. One such suit resulted in an Order declaring EPA's determinations of removability (Part 117) and harmful quantities (Part 118) invalid and resulted indirectly in the invalidation of the determinations of units of measurement and rates of penalty (Part 119). The designation of hazardous substances (Part 116) was not affected by the Court's action. See *Manufacturing Chemists Association, et al. v. Costle, et al.*, 455 F. Supp. 968 (W. D. La., 1978).

On November 2, 1978, section 311 of the Clean Water Act was amended by Pub. L. 95-576. The amended statute no longer requires the Agency to make determinations of removability or units of measurement for computing penalties. Therefore, Parts 117 and 119 of the March 13, 1978 regulations were revoked on February 16, 1979 (44 FR 10269). The basis for determining reportable quantities, formerly termed "harmful quantities", was simplified by the recent amendment and, therefore, Part 118 of the March 13, 1978 regulations was also revoked and reportable quantities were repropounded as a new Part 117 on February 16, 1979 (44 FR 10271). At the same time, the designation of 28 additional substances as hazardous was promulgated (44 FR 10266).

These regulations are authorized by section 311(b)(4) of the amended Act, which requires the Administrator to determine by regulation those quantities of "any hazardous substances the discharge of which may be harmful to the public health or welfare of the United States, including but not limited to shellfish, wildlife, and public and private property, shorelines, and beaches."

The Part 117 regulations promulgated today consist primarily of the following four changes from the regulations proposed on February 16, 1979: (1) The reportable quantity of one substance, calcium hypochlorite, has been changed; (2) The regulations no longer require the addition of fractions of reportable quantities in determining whether the discharge of a mixture or solution must be reported; (3) The applicability of the regulations to facilities permitted under the National Pollutant Discharge Elimination System (NPDES) has been clarified further, and (4) An exclusion from these regulations has been

established for activities permitted under the section 404 (Dredge and Fill) of the Clean Water Act. Each of these changes is explained in detail in the appropriate section of the preamble which follows.

**Relationship to Other Hazardous
Pollutant Control Programs**

The promulgation of these regulations governing the discharge of substances designated as hazardous under section 311 of the CWA, is a major step in the Agency's strategy to regulate the discharge to the Nation's waters of toxic and hazardous substances. The statute requires notification where discharges of hazardous substances occur in "reportable quantities", provides for civil penalties for such discharges, and imposes liability on dischargers for the costs of government clean-up. The 1978 amendments to the Act (Pub. L. 95-576) excluded from section 311 jurisdiction certain discharges from point sources permitted under section 402. It should be emphasized that discharges excluded from these regulations will be subject to stringent control under other regulatory authority. This section discusses current and contemplated regulations under separate authority which address discharges not subject to these section 311 regulations.

(A) Regulation Under Section 402 of the Act. On June 7, 1979, EPA published regulations governing the National Pollutant Discharge Elimination System (NPDES) program under section 402 of the Act (44 FR 32854). On June 14, 1979, EPA proposed consolidated permit regulations, including draft NPDES permit application requirements and forms (44 FR 34416). As explained elsewhere in this *Federal Register*, the Agency intends to broaden those application requirements to ensure proper control of hazardous substances through the NPDES program. The Agency is soliciting comments on this expanded approach.

Basically, control of hazardous substances under section 402 would be similar to that of toxic pollutants under section 307 and 402 of the Act. Certain permittees would be required to sample, analyze for, and report discharges of hazardous substances in their process wastewater. In many cases, estimates would be acceptable in lieu of analysis. Although most section 311 hazardous substances will not be regulated by effluent limitations guidelines issued under sections 301 and 304 of the Act, such substances may be regulated in an NPDES permit on a case-by-case basis. Regulation may be through the use of "indicator" parameters (44 FR 34397-99), or application-based limitations (44 FR

34404-07). Variability in discharges caused by upsets and bypasses are subject to 40 CFR 122.14 (k) and (l).

Discharges covered by section 402 rather than by section 311 are subject to reporting requirements, civil penalty liability, and liability for clean-up cost, which are similar to those found in section 311. NPDES regulations require reporting of discharges of section 311 substances in violation of permit conditions (40 CFR 122.14(i)). Discharges of hazardous substances which violate permit conditions are subject to a civil penalty of up to \$10,000 per day (Section 309(d) of the Act). Permittees are liable for any clean-up costs resulting from certain discharges of hazardous substances from their facility (Sections 311(b)(6)(D), 309(b), and 504(b)). In short, discharges of hazardous substances from permitted sources will be subject to stringent control.

(B) Requirements for pollution prevention pursuant to 311(j)(1)(C). Section 311(j)(1)(C) of the Act requires promulgation of regulations to prevent the discharges of oil and hazardous substances from vessels and onshore and offshore facilities. Regulations have been promulgated by EPA to prevent oil spills from non-transportation related facilities (40 CFR Part 112) and by the Coast Guard to prevent oil spills from some transportation related facilities (33 CFR Part 154). The EPA regulation requires subject facilities to prepare and implement spill prevention control and countermeasure (SPCC) plans to prevent spills to navigable waters.

Similar regulations for prevention of hazardous substance spills from non-transportation related facilities are now being developed by EPA. When promulgated, these regulations will apply to any non-transportation related facility which, due to its location, could reasonably be expected to discharge a hazardous substance in violation of section 311(b)(3). Permitted facilities will be required to comply with pollution prevention regulations issued under the authority of section 311(j)(1)(C).

(C) Regulation under Section 404. Discharges of hazardous substances in compliance with "dredge and fill" permits issued under section 404 of the Act are exempt from coverage under section 311. The Agency will soon publish substantive guidelines governing issuance of section 404 permits. Permits will not be issued where the dredge and fill activity will have an unreasonable adverse impact on the waters of the United States. Where hazardous substances are likely to be present in dredged material, testing may be required. Thus, section 404 permits will be granted only where evidence

indicates that hazardous substances will not result in unreasonable harm.

Method for Determining Reportable Quantities

The method for determining reportable quantities is the same as that used in determining harmful quantities in the March 13, 1978 regulations. Basically, designated hazardous substances are classified by relative acute toxicity to aquatic organisms into one of five categories with assigned reportable quantities of one, ten, one hundred, one thousand or five thousand pounds. (For a more detailed discussion of that methodology, see 43 FR 10489-92 and 40 FR 59982-89.)

Toxicological data for individual substances used in determining reportable quantities were derived from the compendium of information fact sheets entitled, *Hazardous Substances Facts Sheets*, 1977, which are available from the Environmental Protection Agency. In addition, other primary sources of data were: "Water Quality Criteria", Federal Water Pollution Control Administration, 1968, "Water Quality Criteria", EPA, March 1973, and "Quality Criteria for Water", EPA 440/9-76-023, July 1976.

The Agency is aware that the quantities promulgated today are the same as those which a federal district court concluded were "arbitrary and capricious and contrary to the statutory mandate" (455 F. Supp. 965, 978). However, Congress subsequently changed the applicable statutory mandate (Pub. L. 95-576). In so doing, Congress made it clear that it expected EPA to "promulgate the same 271 designations and quantities without change as soon as possible" (Congressional Record of October 14, 1978 (S19259)). Thus, the reportable quantities promulgated today are consistent with the amended statutory mandate.

EPA has changed the applicability of these regulations to discharges of mixtures and solutions. As proposed, the regulations applied in some circumstances to discharges of mixtures or solutions, where less than a reportable quantity of a given hazardous substance was discharged. For example, a discharge of a mixture containing 70% of a reportable quantity of substance A and 60% of a reportable quantity of substance B, would have been subject to the proposed rules. The Agency has re-evaluated its assumption that the toxic properties of different substances can be considered additive and concluded that the assumption is not valid for all combinations of designated hazardous substances. Based on this review, as

well as on the unnecessarily difficult calculations and reporting requirements, the regulations have been revised. Discharges of mixtures and solutions are subject to these regulations only where a component hazardous substance of the mixture or solution is discharged in a quantity equal to or greater than its reportable quantity.

In the proposed February 16, 1979 regulations, calcium hypochlorite was assigned to toxicity Category A as it was in the original March 13, 1978 regulations. However, after those regulations were published, further information was submitted to the EPA indicating that it actually belonged in toxicity Category B. This correction was noted in the *Federal Register* of June 26, 1978 (43 FR 27534) but was not carried over to the proposed regulations. Therefore, these regulations have been changed to reflect the original correction.

Applicability

These regulations apply to quantities of designated substances equal to or greater than reportable quantities, when discharged into or upon the navigable waters of the United States, adjoining shorelines, into or upon the contiguous zone, or beyond the contiguous zone as provided in section 311(b)(3) of the Act. This section of the preamble explains in greater detail when a discharge from a NPDES permitted facility is excluded from section 311 coverage. These exclusions are discussed in greater detail under the heading "Applicability to Discharges from Facilities with NPDES Permits".

In addition, a determination has been made regarding applicability to discharges associated with dredging and filling activities (applicability was reserved in the regulations proposed on February 16, 1979). Such discharges will now be excluded as long as a valid permit issued under section 404 of the Clean Water Act has been obtained. More information is provided below in "Applicability to Discharges Associated with Dredging and Filling Activities".

In the proposed regulations, the Agency discussed in some detail the issues relating to the applicability of section 311 to Publicly Owned Treatment Works (POTWs) and discharges which may enter navigable waters after passing through a sewer system. Numerous comments were received on this issue in the proposed regulations and are discussed in more detail below under the heading "Applicability to Discharges from Publicly Owned Treatment Works and Their Users".

The Administrator of the Environmental Protection Agency may allow the discharge of a substance, above the reportable quantity, on a case by case basis. The Administrator will allow such a discharge only after significant evidence has been provided to the Administrator to show that the discharge will occur in connection with research or demonstration projects relating to the prevention, removal, control or abatement of hazardous substances, and that the results of the study will outweigh the environmental hazard created as a result of the discharge (as provided for in section 104(i) of the Clean Water Act).

Applicability to Discharges From Facilities With National Pollutant Discharge Elimination System (NPDES) Permits

The rules proposed on February 16, 1979, added a section concerning the applicability of these regulations to discharges of hazardous substances from point sources with NPDES permits issued under section 402 of the Act. The preamble to those regulations discussed the applicable legislative history of section 311, including the effects of the 1978 amendments to the Act (Pub. L. 95-576). (44 FR 10272-74). Those amendments excluded: (1) Discharges in compliance with a permit under section 402 of the Act, (2) discharges resulting from circumstances identified and reviewed and made a part of the public record with respect to a permit issued or modified under section 402 of the Act, and subject to a condition in such permit, and (3) continuous or anticipated intermittent discharges from a point source, identified in a permit or a permit application under section 402 of the Act, which are caused by events occurring within the scope of relevant operating or treatment systems.

Basically, the amendments provide that discharges from permitted point sources which are associated with manufacturing and treatment will be regulated under sections 402 and 309. Spill situations will be subject to section 311, regardless of whether they occur at a facility with a 402 permit.

(A) Summary of Exclusions from Section 311. In the proposed regulations, the first exclusion was applied to discharges of a hazardous substance which did not exceed an effluent limitation specifically applicable to such substance. The second exclusion was available where a permit application identified the source and amounts of the substance to be discharged, as well as the treatment or containment to be provided, and where the discharge was subject to a condition in a permit. The

third exclusion applied to chronic, process related discharges resulting from periodic upsets in the manufacturing and treatment systems. These chronic, process-related discharges were excluded in the proposed regulations until the next permit revision when the permittee had the opportunity to become eligible for the first or second exclusion.

In response to comments and after a re-evaluation of the legislative history and the statute, the Agency has revised the regulations implementing these exclusions. The Agency generally agrees with those commenters who stated that the proposed rules had interpreted the three exclusions too narrowly and in a manner inconsistent with Congressional intent. As proposed, the regulations would have covered under section 311, some discharges occurring within the scope of manufacturing and treatment processes, discharges which are better regulated under sections 402 and 309. The regulations promulgated today are consistent with Congress' intent and ensure that discharges excluded from section 311 are controlled under other authority.

The first exclusion will apply to discharges in compliance with a permit limitation specifically applicable to the hazardous substance, including any limitation designated by the permitting authority as an indicator of that substance and any application-based limitation. (See 44 FR 34397 and proposed 40 CFR 122.68(a)(2), 44 FR 34415). The second exclusion applies to discharges from a point source: *Provided*, That the substance, amount, source, and treatment system are identified in the public record, and the substance to be discharged is subject to a permit condition requiring treatment of the discharge. The third exclusion applies to chronic and anticipated intermittent discharges from a point source identified in a permit or permit application. The third exclusion will remain applicable after permit reissuance or revision.

Discharges which are not subject to a limitation and which are not covered by the second or third exclusion will be subject to the notification, civil penalty, and removal cost provisions of section 311. Each of the exclusions is explained in greater detail below.

(B) Exclusion 1. In some cases, permit effluent limitations representing an appropriate waste treatment technology level exceed the section 311 reportable quantity for a hazardous substance. Thus, a permittee may be in compliance with his permit while discharging a hazardous substance in amounts greater than the reportable quantity. Under

these regulations, if a discharge is in compliance with a permit issued under section 402, such discharge is excluded from section 311. This exclusion applies when the permit contains either a limitation specifically applicable to the hazardous substance or a limitation designated by the permitting authority as an indicator parameter for such a substance.

The scope of this exclusion as proposed has been expanded to cover limitations which may not specifically limit hazardous substances, but which are designed to act as control parameters for such substances. For instance, the Agency may, in some circumstances, control discharges of some hazardous substances by placing limits upon traditional pollutant parameters, such as BOD or COD. (Such parameters may be referred to as "indicator" pollutant parameters. See the discussion accompanying proposed NPDES application requirements, 44 FR 34396-99, June 14, 1979, and preamble to the proposed effluent limitations guidelines for leather tanning, 44 FR 38746, 38757-38758, July 2, 1979.) Where effluent guidelines, a permit, or fact sheets prepared in conjunction with permits identify hazardous substances as being controlled by "indicator" limitations, such limitations would be considered permit limitations for purposes of these regulations, and discharges complying with such limits would be excluded from section 311. Similarly, in cases where specific technology based effluent limits are not applicable, permits may contain effluent limitations based on discharge amounts (or some multiple of these amounts) reported in permit applications. (See, Proposed 40 CFR 122.68(a) 44 FR 34415, 34404-07 (June 14, 1979).) Such limits (known as application-based limits) would also be considered permit limitations for purposes of these regulations, and discharges from point sources complying with such limits would be excluded from section 311.

(C) Exclusion 2. Some discharges of hazardous substances from permitted point sources may result from circumstances which were identified and considered in the issuance of a permit, but are not subject to any specific effluent limitations. The second exclusion addresses these situations, and applies where the source, nature, and amount of a potential discharge was identified and made a part of the public record, and a treatment system demonstrated as capable of preventing that potential discharge was made a permit requirement.

The "public record" has been defined to include the permit application and any supplemental documents contained in the "record for final permit" as defined in 40 CFR 124.122. The public record must identify the substance to be excluded, as well as the amount and origin or source of the substance.

The second exclusion exempts discharges "resulting from circumstances identified, reviewed and made a part of the public record (of a permit) . . . and subject to a condition in [a] permit." On its face, this exclusion applies to a broad range of discharges, including those resulting from on-site spills to the treatment system as well as to chronic process discharges originating in the operating or treatment systems, provided they are subject to a specific permit condition. However, due to overlap between the 2nd and 3rd exclusion, certain continuous and anticipated intermittent discharges are exempted by the 3rd exclusion, regardless of the existence of an applicable permit condition. Thus, the second exclusion will, as a practical matter, cover principally those discharges resulting from onsite spills to the permitted treatment system.

The legislative history makes it clear that Congress intended discharges caused by on-site spills to be excluded from section 311 (and subject to section 402) only where it could be demonstrated that such on-site spills had been contemplated and had been processed through a treatment system which should have been capable of preventing a reportable discharge. (See Congressional Record of October 14, 1978 (S19259 and H13599)). Thus, the "condition" contemplated in 311(a)(2)(B) will be placed in permits to exclude discharges caused by spills only where the permittee demonstrates that the treatment system is in fact sufficient to treat the potential spill identified. For example, if a discharger has a drainage system which will route spilled material from a broken hose connection to a holding tank or basin for subsequent treatment and discharge at a specified rate, documentation must be submitted with the application. The proposed permit condition must be sufficient to treat the maximum potential spill from the identified source. This exclusion will not exempt a discharge which results from an on-site spill larger or more concentrated than the spill contemplated in the public record.

(D) Exclusion 3. Exclusion 3 applies to all continuous or anticipated intermittent discharges originating in the manufacturing or treatment systems, including chronic discharges and those

caused by upsets and treatment system failures. The exclusion is not dependent on the scope of the permit, so long as a permit application has been submitted, or a permit exists, covering the point source in question. Discharges caused by spills or episodic events which release hazardous substances to the manufacturing or treatment systems are not covered by this exclusion.

The Agency intends to require additional information under section 402 concerning those discharges subject to the third exclusion. Such information is not required under section 311 and is not a requisite for exclusion from section 311. However, the Agency does intend to require such information in the NPDES application forms. Elsewhere in this Federal Register, additional information is published concerning EPA's proposed requirements.

Applicability to Discharges From Publicly Owned Treatment Works and Their Users

The February 16, 1979, proposal of 40 CFR Part 117 sought public comment on several options described in the preamble for clarifying jurisdiction among sections 307 (b) and (c) and section 311 for chronic discharges and spills from industrial sources which reach navigable waters through publicly owned treatment works (POTWs). The Agency received a number of thoughtful comments. Due to the complexity of the issues, the diversity of issues raised in public comments, and the potential impact of any decision on the thousands of facilities which regularly discharge hazardous substances to POTWs, EPA is reserving regulation of such discharges from industrial facilities to POTWs at this time.

Another principal question addressed in EPA's February 16 proposal, involved the role and responsibility of the POTW when a hazardous substance is introduced to its treatment system and then discharged into navigable waters. The Agency believes that the 1978 amendment excluding from section 311 certain discharges by sources with NPDES permits applies to some discharges of hazardous substances a permitted POTW may make to navigable waters. In particular, the exclusions may be appropriate for chronic or anticipated intermittent discharges of hazardous substances such as chlorine, which are used by the POTW in the operation of its treatment system. Of course, classic spills by the POTW of hazardous substances it may use or store on its premises are subject to section 311, unless a condition in the permit providing for treatment of the

spilled substance qualifies the discharge for exclusion two.

The problem is in determining the applicability of the exclusion provisions and defining the role and responsibility of a POTW when it discharges hazardous substances as a result of influent received from an indirect discharger. Application of Congress' intent is less clear in this case.

The three exclusions for discharges from permitted sources presuppose that the permitted source knows of the presence of the hazardous substance and has made or will make provisions to treat the particular substance prior to discharge. However, unless notified that a hazardous substance has been introduced to its system, a POTW may not be aware of the presence of the substance.

For this reason, § 117.12(a)(4) of the proposed regulations excluded from section 311 "discharges from a POTW of substances received as influent at the treatment works". EPA agrees with commenters who stressed that it is unreasonable to hold the POTW liable for discharges from users, or under circumstances which it is unaware of, or unable to control. Therefore, POTWs will not be held responsible for discharges of hazardous substances received as influent. EPA also recognizes the merits of State comments stressing that, nevertheless, discharges to navigable waters resulting from influent received at the POTW should not, as proposed in paragraph (a)(4), be totally excluded from section 311. Therefore, the promulgated regulations have been revised to delete paragraph (a)(4).

Applicability of these regulations to discharges of hazardous substances received as influent by a POTW is reserved in § 117.13(a) and therefore, POTWs will not be subject to 311 civil penalties or liabilities for government costs of clean-up of such discharges. However, POTWs are encouraged to report any known discharges of hazardous substances in excess of reportable quantities so that the provisions and funds of section 311(k) may be used to clean-up and mitigate the effects of these discharges to navigable waters. Of course, the Agency believes that hazardous substances which are used by the POTW in the operation of its treatment system and which are discharged to navigable waters in reportable quantities are subject to the provisions of section 311 unless the discharge has been exempted under one of the three exclusions of the 1978 amendments to section 311.

In some cases a POTW may become aware that a spill to its system has

occurred. This could occur when the POTW is notified by the source of the spill or where it becomes aware of an incident, as through news broadcasts. The Agency believes that if the POTW knows that a spill has occurred, it should make the fastest and, under the circumstances, best assessment that it can concerning the most effective action to take. The goals should be twofold. First, to protect itself from serious damage or upset, and second, to mitigate the damage to the environment to the maximum extent possible. Measures a POTW might take could include partial or complete treatment of the hazardous substance, or a diversion or bypass of flows containing the substance and notification of downstream users where only such action would prevent even more significant environmental damage.

Further, EPA encourages POTWs to immediately notify the Coast Guard when a reportable quantity of a hazardous substance has been discharged, or will be discharged, to navigable waters so that appropriate mitigation can begin at once and downstream users of the water can be warned. If, on the other hand, the POTW is certain it can prevent such a discharge, the Agency encourages the POTW to report to the Coast Guard that a spill to the POTW's system has occurred, but that it will be contained or treated by the POTW's treatment system.

Applicability to Unauthorized Mobile Source Discharges Through POTWs

There is one case where today's promulgated regulations apply to discharges of designated hazardous substances to navigable waters through POTWs. Discharges will be subject to section 311 where a discharge of a reportable quantity of a designated hazardous substance is made to a sewer system from a truck, train, or other mobile source which has not contracted or otherwise received written permission to discharge the designated substance into the POTW. For example, a waste hauler who contracts to discharge specific hazardous substances to the sewer would not be required to report under section 311 of these regulations. However, an illegal discharge, or "midnight dump", as well as any accidental discharge by a mobile source into a POTW's sewer system, would be reportable and subject to all applicable provisions of these regulations.

The Agency believes such a rule is necessary because unexpected discharges from mobile sources to navigable waters through sewer systems

present problems which are significant and distinct from discharges to sewer systems from industrial facilities. As several commenters noted, mobile sources which have made no advance arrangements with public authorities for such discharges of hazardous substances are not subject to NPDES permits, industry specific effluent limitations or pretreatment standards. Neither can the treatment works be designed or operated by the POTW so as to assure that the discharge of unanticipated hazardous substances by a mobile source will not reach navigable waters. As several commenters stressed, POTWs may not even know of the presence of a hazardous substance unless notified by the mobile source creating the discharge.

The problems brought about by unexpected discharges to POTWs by mobile sources were exemplified in March of 1977 when an unknown hazardous substance entered Louisville, Kentucky's Morris Foreman Sewage Treatment Plant. Toxic fumes from the mystery substance sickened 32 employees of the plant and forced a complete shutdown of the facility. Subsequent investigations determined that the substance, a mixture of two rare and highly toxic industrial chemicals (octa and hexachlorocyclopentadiene) had been illicitly dumped into the city sewer system from an industrial waste hauler's tank truck. In addition to endangering downstream water supplies, the effects of this "midnight dump" on the POTW were devastating. For three months the plant discharged 105 million gallons per day of untreated sewage to the Ohio River while the facility was decontaminated. Clean-up of the approximately three miles of sewer which had carried the chemicals continues today, almost two and one-half years after the incident occurred. Clean-up and disposal of residues containing the chemicals have cost millions of dollars.

Commenters pointed out additional problems unique to unexpected discharge by mobile sources. In some instances POTWs lack any authority to control such discharges, as where State-enabling legislation provides for control to be exercised through a contract or permit to use the sewer system. Even where POTWs have sufficient authority in enabling statutes, they often lack a means of implementing and enforcing such authority for unexpected discharges from mobile sources, whereas they generally do have such capability for enforcing sewer use ordinances and pretreatment standards for fixed facilities. Out-of-town carriers

of intra- and interstate commerce, unlike fixed facilities, may not be aware of the existence of local requirements for notification, pretreatment, or clean-up in the event of a spill to the sewers. Although unauthorized discharges to sewers from fixed facilities can also occur, means are available to minimize such occurrences. In contrast, spills involving mobile sources are more difficult to anticipate in advance and prevent.

Since EPA lacks authority under section 311 to require mobile sources who spill to POTWs to notify the POTW, these regulations require only that the Coast Guard be notified. Mobile sources which spill hazardous substances to a sewer are, of course, strongly urged to report the discharge to the POTW at the same time they report it to the Coast Guard so that the POTW can protect its sewer system and take any available mitigating actions.

Applicability to Discharges Associated with Dredging and Filling Activities

Comments were received on how designated hazardous substances are to be controlled when present in discharges of dredged or fill materials, and on the relationship in this regard of section 311 requirements and section 404 requirements. Commenters generally supported the concept of using the section 404 permit process to ensure compliance with section 311 requirements, providing there is a means for determining whether discharges of dredged or fill material contain hazardous substances and providing that a level of testing is required that would preclude the discharge of dredged or fill material containing designated hazardous substances in quantities that violate the spirit and intent of section 311.

On September 5, 1975, EPA published interim final guidelines establishing the substantive criteria for permit decisions for the discharge of dredged or fill material under section 404 (40 CFR Part 230). Experience in the implementation of these guidelines and the results of ongoing research both have indicated the need to revise and clarify the 1975 guidelines. Such revisions have been prepared in draft and the Agency expects to propose revised section 404(b)(1) guidelines in the near future. The Agency's position is that the section 404(b)(1) guidelines will protect the environment from designated hazardous substances when such are contained in discharges of dredged or fill material.

The Agency believes that discharges of dredged or fill material should not be permitted if the discharge will have an unacceptable adverse impact on the

waters of the United States. The Agency recognizes the difficulty in measuring the exact amount of particular hazardous substances in dredged or fill material. Moreover, the amount of a hazardous substance contained in dredged or fill material which actually may be harmful may be vastly different from a similar amount of hazardous substance that is spilled or discharged directly into water. The section 404(b)(1) guidelines will ensure that the impact of any discharge of dredged or fill material will be fully understood before a decision is made to permit such discharge. The permitting authority will be required to make a determination of the potential for adverse effects on aquatic and wetland organisms and ecosystems, including bioaccumulation, as a result of the availability of any pollutant (including designated hazardous substances) in the solid, liquid, or suspended particulate phase of the discharged material.

In assessing the potential for adverse effect, the permitting authority must consider the likelihood that the dredged or fill material proposed to be discharged is a carrier of pollutants. If this determination indicates that pollutants, such as section 311 designated hazardous substances, are likely to be present, then the permitting authority is required to undertake tests to determine the effect of the proposed discharge on the receiving environment at the proposed disposal site. Depending upon the circumstances, testing required in the guidelines may include chemical analyses of liquids or solids, bioassays, bioaccumulation tests, or biologic ecosystem evaluations. The guidelines will state explicitly that a circumstance to be considered in assessing the needs for testing of dredged or fill material is a history of spills of substances designated as hazardous under section 311.

The Agency believes that adequate protection from section 311 designated hazardous substances will be provided through the section 404(b)(1) guidelines. Because of their requirement for implicit consideration of the potential impact of such substances when they are contained within dredged or fill material proposed to be discharged, these regulations will not deal with the discharge of dredged or fill materials. Such activities will be controlled through the section 404 EPA guidelines.

Procedure for Giving Notice of Discharge

Procedures for giving notice of discharges above the reportable quantities are explained in 33 CFR 153.203, "Procedure for the Notice of

Discharge". A copy of that regulation appears as Attachment I to this preamble.

Penalties

The proposed section 311 regulations provide two methods for penalizing dischargers of hazardous substances. The first, which already existed as section 311(b)(6) of the statute prior to the amendment of November 2, 1978, provides for the assessment by the United States Coast Guard of a civil penalty not to exceed \$5,000 for the discharge of oil or a designated hazardous substance (section 311(b)(6)(A)). The second option, created by the new amendment, provides that the EPA, through the Department of Justice, may initiate a civil action in Federal district court for penalties not to exceed \$50,000 per discharge unless such discharge is the result of willful negligence or willful misconduct, in which case the penalty shall not exceed \$250,000 (section 311(b)(6)(B)). The final regulations show no change from those proposed on February 16, 1979.

Factors to be considered by EPA in determining whether a higher penalty is warranted are described in these regulations. Prompt mitigation of a discharge is encouraged by making mitigation an important consideration in establishing the size of the penalty. This is particularly significant in discharges of hazardous substances which are capable of actual removal. A discharger of a designated hazardous substance can be penalized under section 311(b)(6)(A) or section 311(b)(6)(B), but not both. The EPA and the United States Coast Guard have developed an agreement regarding those cases which shall be referred to EPA for consideration of the higher penalty. This Memorandum of Understanding is published in this *Federal Register*. In those cases where EPA determines to bring action for a civil penalty, administrative penalty assessment under section 311(b)(6)(A), which would otherwise be initiated by the United States Coast Guard, will be withheld.

Civil penalties will not be assessed under both section 311 and 309 for the same discharge. The Memorandum of Understanding between the Coast Guard and EPA sets forth procedures for determining when a discharge of a hazardous substance is subject to section 311 (and thus section 311(b)(6) penalties) and when such a discharge is excluded from section 311 and subject to section 402 (and thus section 309 penalties). The two agencies are developing a similar Memorandum of Understanding which will provide procedures for determining when a

discharge of oil is subject to section 311 (and thus section 311(b)(6) penalties), and when a discharge of oil is excluded from section 311, and subject to section 402 (and thus penalties assessed under section 309). The latter Memorandum of Understanding will be published together with modifications of current regulations addressing oil discharges under section 311.

It should also be noted that any costs of removal incurred in connection with a discharge excluded by section 311 (a)(2)(C) (40 CFR 117.12(a)(3)) will be recoverable from the owner, operator or person in charge of the source of the discharge in an action brought under section 309(b) of the Clean Water Act.

Economic Impact Statement

These regulations are intended to encourage a high standard of care in handling hazardous substances by requiring the reporting and clean-up of discharges of such substances in reportable quantities. These regulations do not require the construction or purchase of equipment to treat or prevent discharges. They do not require spill prevention measures, nor do they prohibit the manufacture, use or transport of any substance. Where such measures are required by regulation, any associated economic impacts must be analyzed in connection with those regulations.

The intent of these regulations is not to establish a permit program for the discharge of spills of hazardous substances. The exclusions identified for NPDES permitted facilities are established to cover those facilities that use or generate one or more of the hazardous substances in their operation and, as a result, are discharging those substances in a manner that is approved by the EPA, although that discharge might be above the reportable quantities established by these regulations.

These regulations do not require a technology based treatment system to treat classical spills of hazardous substances, nor do they require spill prevention measures. While the possibility could exist that an owner, operator or person in charge of a facility might have to make some adjustment in his treatment system if he wishes to have a discharge caused by an on-site spill of a particular substance excluded from these regulations, these regulations in no way require such action. Thus, compliance with these regulations will not result in any direct costs to the regulated parties. The Agency has examined the incremental treatment costs for those seeking to comply with section 402 and avoid section 311 liability. This investigation has

indicated that in the majority of cases, the same treatment used to control the toxic pollutants in a particular discharge will also be capable of controlling the hazardous substances in the discharge. Incremental treatment costs in such cases for the hazardous substances would be insignificant. The costs of adjustments to treatment systems for control of hazardous substances under section 402 regulations are discussed in the Request for Additional Comments on Proposed Application Requirements for National Pollutant Discharge Elimination System (NPDES) Permits.

However, two types of expenses may be incurred because of violations of these regulations: Civil penalties and clean-up costs. Since economic impacts are generally based on compliance costs, not costs resulting from failure to comply, these two factors are not considered as direct impacts. This is particularly appropriate since in the absence of mandatory reporting of discharges of hazardous substances, there are little data on discharge events (i.e. number and size of discharges, types of materials spilled, resulting penalties, and associated clean-up costs). It is therefore very difficult to estimate the frequency of violations or the resulting costs.

As a result of the amendments to the statute, the potential penalties to be assessed under the proposed regulations are considerably simplified and reduced from those in the previous statute. The maximum penalty for a discharge from a land-based facility was set at \$500,000 while a discharge from a vessel could result in a \$5 million penalty. The penalty structure has now been both simplified and moderated (the maximum penalty for any discharge is now set at \$50,000 unless it is the result of willful negligence or willful misconduct, where the penalty can reach \$250,000). Therefore, the potential amounts of civil penalties will be substantially less than projected in the March 13, 1978 promulgation (43 FR 10479).

Response to Comments

(1) *Comment:* Several commenters objected to the Agency's assumption that reportable quantities for different hazardous substances should be considered additive in their toxic effects (proposed §117.3), citing lack of scientific support.

Response: The Agency agrees that the toxicity of hazardous substances is not necessarily additive or synergistic, and has therefore modified the regulations. The discharge of a mixture or solution is, however, subject to these regulations if a quantity equal to or greater than a

reportable quantity of a specific hazardous substance is discharged.

(2) *Comment:* Several commenters believe that the reportable quantities were complicated, arbitrary, and inadequate. They stated that the quantities would not be harmful in all instances, and urged that concentration in receiving waters be considered.

Response: The Agency's system of utilizing five reportable quantity categories based on relative toxicity is anything but complicated, and is in fact designed to make it easier for a discharger to determine which incidents he must report. The reportable quantity determinations cannot be considered arbitrary because they comply with the recent amendments which report quantities to be those which may be harmful. In enacting those amendments, Congress was aware of and endorsed the reportable quantities promulgated today. (Congressional Record of October 14, 1978 [S 19259]). Congress also made it clear that the determination of reportable quantities does not require an assessment of actual harm in the variety of circumstances in which substances might be discharged, *id* at § 19258. Finally, Congress did not intend that circumstances surrounding the release (such as receiving water concentration) should be a factor in determining reportable quantities.

(3) *Comment:* One commenter asked that discharges of copper sulfate be excluded from the regulations when intentionally made to reservoirs to control algae.

Response: Copper sulfate is registered as a pesticide for controlling algae. When applied according to pesticide label directions, the discharge is exempted by § 117.11(c). This exclusion has been expanded to provide that the use of pesticides pursuant to state pesticide permits, experimental use permits, and emergency exemptions are excluded from these regulations.

(4) *Comment:* One commenter objected to the use of "vinegar acid" as a synonym for acetic acid.

Response: The term "vinegar acid" is a well known synonym and was included to aid the public. The synonym "vinegar acid" was obtained from "The Condensed Chemical Dictionary," 7th ed., G.C. Hanley, editor, published by Van Nostrand Reinhold Company.

(5) *Comment:* One commenter suggested that the discharge of calcium oxide (lime) be excluded from regulation when used to protect oyster farms from predators. Another commenter challenged the reportable quantities for calcium oxide and calcium hydroxide, and petitioned the Agency to remove

lime from the list of hazardous substances.

Response: In response to the petition, the Agency is proposing elsewhere in this Federal Register to delete lime from 40 CFR Parts 116 and 117. Further information can be found in that notice.

(6) *Comment:* Several commenters contended that all discharges from facilities with 402 permits should be excluded from section 311.

Response: The 1978 amendments to section 311 do not authorize the broad exclusions requested by these commenters. The statutory distinction between discharges subject to section 311 and those subject to 402 is based not on the location of the discharge, but rather on the source and circumstances surrounding that discharge. Classic spills to navigable waters, regardless of whether they occur at permitted facilities, are clearly subject to 311 unless such discharges are subject to a permit condition requiring processing through a treatment system which was demonstrated capable of treating the spill.

(7) *Comment:* A few commenters suggested that the statute provides sufficient distinction between discharges subject to section 311 and those subject to 402, and that regulations were therefore unnecessary.

Response: The statute alone, without implementing regulations, simply will not provide sufficient information and guidance to regulated parties or state and federal officials. The regulations as revised, meet the intent of Congress, while providing more detailed information on their applicability.

(8) *Comment:* A few commenters suggested that EPA withhold issuance of these regulations until NPDES regulations, Best Management Practices (BMP) regulations, and Spill Prevention Control and Countermeasure (SPCC) regulations are promulgated.

Response: NPDES and BMP regulations have been promulgated (44 FR 32854, June 14, 1979). SPCC regulations were proposed last year (43 FR 39276, September 1, 1978). Revised NPDES application forms were proposed on June 14, 1979 (44 FR 34346; 44 FR 34393) and are further discussed elsewhere in this Federal Register. All Congressionally-mandated regulatory requirements which affect permitted facilities are being coordinated to the maximum extent possible. These regulations have been revised to make them compatible with related existing requirements and independent of proposed or contemplated requirements.

(9) *Comment:* Several commenters urged that applicability of these regulations be "phased-in" during the

permit process, and that time for compliance be provided.

Response: These regulations do not require time for compliance because their effect is to prohibit spills and other episodic discharges, not to prescribe required levels of treatment or other permit conditions. Chronic, anticipated intermittent discharges originating in the operating or treatment systems are exempt from these regulations, but will be regulated under section 402 of the CWA. A phase-in period is not appropriate for spill discharges, since on-site spills cannot be excluded unless and until the discharger demonstrates the capability to treat such spills.

(10) **Comment:** One commenter recommended that EPA headquarters review all permit applications at major facilities before excluding any dischargers from section 311.

Response: Such a review is unnecessary, and would inject an unwarranted layer of red tape into the permitting process, resulting in delays and overlapping responsibilities. The permitting authority, be it a state or regional EPA office, is better able to make any site-specific determinations required by these regulations.

(11) **Comment:** Several commenters contended that the first exclusion was too narrow, and should be interpreted to apply to permits which limit only conventional pollutants but do not limit hazardous substances.

Response: The amendments to section 311 were intended to distinguish between classic spills and discharges associated with manufacturing and treatment. The interpretation urged by these commenters would frustrate this intent in cases where a "classic spill" of hazardous substance occurred, but did not result in a violation of a traditional pollutant parameter. Moreover, certain discharges associated with manufacturing and treatment, but which are not specifically limited in a permit, would be exempt from section 311 under the third exclusion (§ 117.12(b)(3)). In addition, the first exclusion has been expanded, so that discharges in compliance with EPA designated "indicator" pollutant parameters (44 FR 34396-99) and discharges in compliance with "application-based limits" (44 FR 34404-07) will be exempt from section 311. Thus, the Agency believes that § 117.12(b) as promulgated is consistent with Congress' intent.

(12) **Comment:** Several commenters were concerned that EPA had interpreted the second exclusion too narrowly, resulting in coverage under 311 of the discharges which should be subject to section 402. For example, a number of commenters noted that the

statute calls for identification of the "circumstances" surrounding a discharge, but does not require a particular level of treatment, an issue they felt should be dealt with under section 402; some believed the definition of "public record" was too narrow; others stated that waste characterization (substance and amount) was inappropriate, technically impossible in some cases, and costly in terms of monitoring; a few commenters asked that the term "condition" be further explained and expanded.

Response: The Agency has revised the second exclusion in several respects. The regulations require treatment only where a permittee wishes to have on-site spills excluded from section 311 and covered by section 402. The level of such treatment would then be a section 402 matter. The definition of "public record" has been rewritten to include additional information considered in the issuance of the permit. Characterization of discharge waste streams will not be required where such streams result from manufacturing and treatment sources, since such discharges will already be covered by the third exclusion. Thus, the technical and analytical and economic problems which commenters stated would be associated with sampling and monitoring should not arise under these final regulations. However, identification of the "circumstances" surrounding a discharge does require identification of substances and amount of substances where a permittee wishes to make potential spill situations subject to a permit condition, and thus subject to section 402, not 311. For example, if a permittee believes he can treat an on-site spill, for example, a ruptured hose connection, he must provide the permitting authority all relevant information, including substance, amount, and proposed treatment. Based on this information, the permit writer will determine whether existing treatment is adequate, and whether the potential discharge can be excluded from section 311 coverage should it occur. Thus, a permittee does not have an unlimited right to a permit condition (and the resulting exclusion from section 311) for a discharge caused by an on-site spill unless he has demonstrated that his treatment system is actually capable of preventing the discharge.

In addition, a discharge resulting from an on-site spill, larger or more concentrated than the spill contemplated in the public record and made subject to a permit condition requiring treatment, will not be excluded from section 311. For example, discharges caused by leaks and minor

spills from a large storage tank may be identified, reviewed, and made subject to a treatment requirement, and excluded from section 311. But a major failure of such tank, with resulting spill discharge, would be subject to the provisions of section 311.

(13) **Comment:** A number of commenters argued that EPA had interpreted the third exclusion too narrowly, particularly because it addressed primarily anticipated intermittent discharges and not continuous discharges, and because the exclusion ended upon promulgation of NPDES regulations and receipt of a new permit.

Response: The Agency has revised the third exclusion, which will no longer expire after promulgation of NPDES regulations. The Agency intends, however, to require more detailed information concerning continuous and anticipated intermittent discharges of hazardous substances caused by events occurring within the scope of relevant operating and treatment systems. (See notice in this Federal Register). Discharges caused by upsets, bypasses, and contamination of noncontact cooling waters are considered anticipated intermittent discharges and are excluded from section 311. However, on-site spills to cooling water and storm water will be subject to section 311 if discharged. Congress was aware of the possibility that such spills might be funneled through an outfall to avoid section 311, and intended the amendments to deter such avoidance schemes (*Congressional Record*, October 14, 1978 (S19259)).

(14) **Comment:** A few commenters objected to the comment which followed § 117.12(b)(3)(ii)(C) on the grounds that it was inconsistent with the statute.

Response: The Agency agrees and has deleted the comment. However, discharges caused by on-site spills of hazardous substances will not be considered "anticipated intermittent" discharges, but will be subject to section 311.

(15) **Comment:** Several commenters requested deletion of the comment following § 117.12(b)(3)(iii)(B) because it encouraged "second-guessing" regarding the type of discharge which occurred.

Response: The comment has been deleted. The reporting of discharges subject to section 402 are subject to the requirements in the NPDES regulations, not these regulations.

(16) **Comment:** Two commenters believed that the regulations permitted assessment of civil penalties under both sections 309 and 311.

Response: The statute (§ 311(b)(6)(E)) flatly prohibits assessment of two civil

penalties under sections 309 and 311 for the same discharge, and the Agency will not seek to assess dual penalties.

(17) *Comment:* Two commenters urged that the regulations give credit to permitted facilities for any hazardous substance present in their intake water.

Response: Permittees will not be responsible under these regulations for the presence of hazardous substances in the discharge of water received as intake water, unless such water is collected and later spilled in amounts greater than reportable quantities for those hazardous substances.

(18) *Comment:* A few commenters requested that EPA clarify that "reportable quantities" would not be used as a basis for determining permit effluent limitations.

Response: Effluent limitations for discharges subject to section 402 will continue to be based on technology factors and water quality criteria. Reportable quantities will play no role in permit limitations under section 402.

(19) *Comment:* A few commenters stated that the applicability of the regulations was unclear when they pertained to facilities which have submitted permit applications, but are adjudicating permits.

Response: The exclusions apply generally to any facility which has applied for a permit. If adjudication involves a permit condition as defined in the second exclusion, such a contested condition will not be deemed in effect, and the exclusion will not apply.

(20) *Comment:* Several commenters stated that the regulations did not specify whether discharges to land and air are subject to section 311.

Response: The issue is clarified in these final regulations, which apply to discharges into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the contiguous zone, or seaward from the contiguous zone, as provided in section 311(b)(3). Discharges to land or air which do not reach the previously mentioned waters and shorelines are not subject to section 311, but may be subject to section 504 of the act or other law. Of course where hazardous substances seep, leak, or wash into navigable waters or adjoining shorelines, the discharger must notify the Coast Guard.

(21) *Comment:* One commenter suggested that the requirement to notify the Coast Guard of a discharge (section 311(b)(5); 40 CFR 117.21) should be the responsibility of the dispatcher in the case of a discharge from a train or truck. The commenter pointed out that a train engineer or truck driver may not have

immediate access to a telephone, but may have alternate means of contacting his dispatcher, who in turn could phone the Coast Guard.

Response: The Act requires notification by the "person in charge" of the facility or vessel from which the discharge occurs. The term "person in charge" may include individuals, firms, corporations or partnerships. Because the purpose of the notification requirement is to ensure quick response and clean-up of discharged hazardous substances, the requirement is fulfilled when notification is made in the most expeditious manner possible. EPA recognizes that the fastest means of notification may, in some circumstances, be accomplished by having a person present at the discharge site (e.g., a truck driver) contact a third party within the firm or corporation (e.g., a dispatcher), who in turn will notify the Coast Guard. This procedure would comply with the statutory requirement if it results in notification of the Coast Guard in the fastest means possible under the circumstances.

(22) *Comment:* A few commenters objected to the requirement as proposed in § 117.22 that discharges be reported "immediately", stating that it was unfair to require reporting prior to the time that the person in charge had knowledge of the discharge.

Response: The Agency agrees with the comment and has revised the regulation accordingly. Notification must be made immediately upon learning of the discharge.

(23) *Comment:* One commenter asked that the criminal penalty for failure to report a discharge be deleted.

Response: The statute itself calls for the criminal penalty, and EPA cannot delete a statutory penalty.

(24) *Comment:* One commenter suggested that the section 311(b)(6)(B) penalty be applied to discharges of oil as well as hazardous substances.

Response: The legislative history clearly indicates that the section 311(b)(6)(B) penalty option only be used for discharges of hazardous substances.

(25) *Comment:* One commenter inquired whether neutralizing an acid spill with a basic material constituted and additional spill.

Response: The Agency believes that it would be contrary to the spirit of the law to penalize persons for undertaking mitigation actions which are encouraged under section 311. At the same time, the Agency believes that care must be exercised in carrying out mitigation actions. The Agency intends to promulgate removal regulations at a later date. Accordingly, § 117.11(e) provides that mitigation actions

undertaken on the instructions or with the approval of the Federal On-Scene Coordinator pursuant to 40 CFR Part 1510 (The National Oil and Hazardous Substance Contingency Plan), or pursuant to 33 CFR 153.105(c) (Pollution by Oil or Hazardous Substances), or in accordance with applicable section 311(j)(1)(A) regulations, when promulgated, do not violate section 311.

(26) *Comment:* One commenter suggested that hazardous spills reporting be kept at a local level, specifically at the State NPDES level.

Response: Notwithstanding any other reporting arrangements, for purposes of section 311, any discharge of an oil or hazardous substance in reportable quantities must be reported immediately to the appropriate Federal agency. Executive Order 11735 designated the U.S. Coast Guard as the appropriate agency to receive such notices. Failure to report carries a criminal penalty.

(27) *Comment:* One commenter expressed concern that regulations to report every spill encourage non-reporting.

Response: Spills in reportable quantities must be reported if they reach navigable waters, adjoining shorelines, the contiguous zone, or other waters described in section 311(b)(3) of the Act. The Agency from historical experience has found that regulations requiring the reporting of sheens of oil did not encourage non-reporting.

(28) *Comment:* One commenter, an insurance syndicate, states that the Act actually discourages quick clean-up by the discharger in the case of a large spill, where the clean-up costs exceed the maximum liability limits of section 311(f). The commenter indicated that it advised its insureds not to commence clean-up in such a situation, since expenses of clean-up may not be repaid or set-off against the statutory liability limits. The commenter was concerned because a discharger's failure to assist in clean-up is a factor to be considered in initiating a higher civil penalty.

Response: As noted by the commenter, the situation complained of is called for by the statute and does not arise from these regulations. The purpose of section 311 is to prohibit the discharge of oil and hazardous substances. The perceived "predicament" arises only when the discharger has violated the Act by discharging a hazardous substance. The Agency believes that it is irresponsible and clearly contrary to the spirit of the Act for a discharger to refuse to clean-up a discharge of his own making. This is the apparent reason for Congress' emphasis on mitigation as a factor in civil penalty assessment. The Agency

intends to follow the Congressional mandate and seek higher civil penalties where a discharger has not taken appropriate mitigation action.

(29) *Comment:* A few commenters requested that civil penalties be assessed only where a discharge resulted in demonstrable harm, and that absence of harm be considered defense in any penalty proceeding. The commenters stated that *United States v. Chevron Oil*, 583 F. 2d 1357 (5th Cir., 1978) required such an interpretation.

Response: The *Chevron* decision interpreted the statute prior to the 1978 amendments, when the statute prohibited discharges that "will be harmful". The amendments changed this language to "may be harmful", to "make it clear that the determination of reportable quantities" * * * does not require an assessment or actual harm in the variety of circumstances in which such substances might be discharged" (Congressional Record of October 14, 1978 (H 13599)). Since actual harm need not be proved in order for the discharge prohibition to attach, it would be inconsistent with Congressional intent to allow a defendant to try to disprove actual harm in a civil penalty proceeding.

It should be noted, however, that gravity of the offense will be considered in penalty proceedings: accordingly, the size of the discharge and degree of harm will be a factor.

(30) *Comment:* Several commenters stated that the recent amendments to section 311 require changes to existing regulations governing the discharge of oil.

Response: The regulations promulgated today apply only to hazardous substances. The Agency intends to make appropriate revisions to regulations concerning oil in the near future.

(31) *Comment:* One commenter stated that § 117.32 should be revised to delete the last sentence dealing with liability for clean-up costs arising from discharges excluded from section 311 and these regulations.

Response: The Agency agrees that the provision is not appropriate in these regulations. However, section 311(b)(6)(D) provides that any clean-up costs associated with certain discharges regulated under section 402 are recoverable from the discharger in an action brought under section 309(d) of the Act. The Agency will bring such actions in appropriate circumstances.

(32) *Comment:* A few commenters objected to the fact that the regulation applies to discharges of reportable quantities "in any 24-hour period". Most commenters requested the time be

shortened, arguing that a "shock load" effect would occur only if the discharge occurred very quickly.

Response: Reportable quantities have little meaning unless a time period for discharge of that quantity is specified. Neither section 311 or its legislative history provide a time limit for the applicability of reportable quantities. Thus, implementing regulations may be applied to any discharge over any period of time. The primary thrust of these regulations has been directed toward the control of short-term nonroutine discharges of hazardous substances. In addition, the definition of discharge explicitly includes such things as "leaking", which may encompass considerable time. The association of a maximum time limit over which the discharge of a reportable quantity must occur to result in a violation will provide additional definition to the reporting requirement under section 311(b)(5). For the purpose of this regulation a maximum time period associated with the discharge of a harmful quantity has been established as 24 hours. It is believed that this time period will permit regulatory control over such discharges of hazardous substances and provide an additional degree of resolution to the reporting requirement.

(33) *Comment:* One commenter suggested that § 117.11(d) be amended to provide that discharges in compliance with permit conditions issued under section 3005 of the Resource Conservation and Recovery Act (RCRA) be excluded from these regulations. Although the proposed regulations excluded discharges in compliance with regulations under section 3004, the commenter noted that section 3005 permit conditions will not necessarily be identical to the requirements of the section 3004 regulations.

Response: The Agency agrees with this comment and has modified these regulations accordingly. Section 3005 permits may only be issued to a facility upon a showing that it meets the requirements of section 3004 and 3005 for treatment, storage, or disposal of hazardous wastes. Thus, the permit issues that all activities will be conducted in an environmentally acceptable manner. However, section 3005 does authorize the Administrator (or a State) to incorporate a compliance schedule in a permit. Permits may also allow variances from certain section 3004 requirements. The revised regulations are consistent with the Agency policy of excluding from section 311 only those discharges which are properly regulated under other authority. At the same time, it clarifies

that a discharge in accordance with a section 3005 permit (which may contain a compliance schedule or a variance from a 3004 requirement) also is excluded from section 311.

(34) *Comment:* One commenter suggested that these regulations should not apply to mixtures or solutions which contain a hazardous substance in low concentrations, since such concentrations will not necessarily be harmful.

Response: The amended statute requires the determination of quantities which "may be harmful" and the legislative history makes it clear that such quantities need not be harmful in all cases. Moreover, the statute contains no exemption for solutions or mixtures but calls for absolute quantities. It cannot be assumed that the discharge of a dilute concentration of a hazardous substance may not result in some harm.

Evaluation Plan

Under the amendment to section 311, the Agency is required to "conduct a study and report to the Congress on methods, mechanisms, and procedures to create incentives to achieve a higher standard of care in all aspects of the management and movement of hazardous substances * * *. The Administrator shall include in such a study (1) limits of liability, (2) liability of third party damages, (3) penalties and fees, (4) spill prevention plans, (5) current practices in the insurance and banking industries, and (6) whether the penalty enacted in subclause (bb) of clause (iii) of subparagraph (B) of subsection (b)(2) of section 311 of Pub. L. 92-500 should be enacted." (Pub. L. 95-576.)

This study will provide the Agency with a more complete picture of the effectiveness of these regulations and possible economic impacts, and will allow the Agency to evaluate any procedural difficulties encountered in implementing the regulations. The Agency is required to complete this study by May 1980. Plans are now being completed for the conduct of this study and the Agency will solicit assistance from interested parties in the performance of this study.

Deferral of Regulations as They Apply to Discharges From Common Carriers

In the February 16, 1979 proposed regulations, EPA published notice that it would defer implementing these regulations as they apply to discharges from common carriers. This is because common carriers are required to accept for transport those shipments offered in compliance with applicable tariffs. Currently, not all hazardous substances

are adequately identified by existing tariffs. Thus, in some circumstances, common carriers may have no means of determining when they are transporting hazardous substances. In other words, common carriers may not refuse to accept a shipment which may contain unidentified hazardous substances, nor could they report a spill of a hazardous substance unless they had knowledge of its presence.

Private and contract carriers, on the other hand, may request the shipper to identify any shipments containing hazardous substances, and may then elect either to transport or to refuse to do so. In any case, they have the means to determine if hazardous substances are on board, and thus the ability to take actions to prevent a spill, and the knowledge to report a spill should it occur. Therefore, these regulations will be applicable in thirty days to the discharge of hazardous substances transported under private or contract carriage.

With respect to common carriers, tariff changes can be accomplished by the common carriers themselves. Since designation of hazardous substances was promulgated six months ago, it is anticipated that common carriers have already taken steps to initiate appropriate tariff changes. Therefore, the Agency expects that these tariff changes can be made effective within four (4) months. EPA will publish notice in the *Federal Register* announcing the effective date of these regulations as they apply to discharges of hazardous substances which have been offered to common carriers who are required to accept such substances for shipment in compliance with applicable tariffs.

The Agency recognizes that this deferral of effective date for certain discharges may result in some unreported spills, and the inability of the government to assess civil penalties or removal cost liabilities for some spills. However, it would be unreasonable to attach such liabilities to carriers who are otherwise effectively precluded by Federal law from obtaining knowledge of whether their cargoes include hazardous substances. Moreover, the Agency believes that common carriers and shippers will act in good faith to do all in their power to bring about tariff changes.

Dated: August 20, 1979.

Douglas A. Costle,
Administrator.

Part 117 is added as follows:

PART 117—DETERMINATION OF REPORTABLE QUANTITIES FOR HAZARDOUS SUBSTANCES

Subpart A—General Provisions

Sec.

117.1 Definitions.

117.2 Abbreviations.

117.3 Determination of reportable quantities.

Subpart B—Applicability

117.11 General applicability.

117.12 Applicability to discharges from facilities with NPDES permits.

117.13 Applicability to discharges from publicly owned treatment works and their users.

117.14 Demonstration projects.

Subpart C—Notice of Discharge of a Reportable Quantity

117.21 Notice.

117.22 Penalties.

117.23 Liabilities for removal.

Authority: Secs. 311 and 501(a), Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), ("the Act") and Executive Order 11735.

Subpart A—General Provisions

§ 117.1 Definitions.

As used in this part, all terms shall have the meanings stated in 40 CFR Part 116.

(a) "Reportable quantities" means quantities that may be harmful as set forth in § 117.3, the discharge of which is a violation of section 311(b)(3) and requires notice as set forth in § 117.21.

(b) "Administrator" means the Administrator of the Environmental Protection Agency ("EPA").

(c) "Mobile source" means any vehicle, rolling stock, or other means of transportation which contains or carries a reportable quantity of a hazardous substance.

(d) "Public record" means the NPDES permit application or the NPDES permit itself and the "record for final permit" as defined in 40 CFR 124.122.

(e) "National Pretreatment Standard" or "Pretreatment Standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to industrial users of a publicly owned treatment works. It further means any State or local pretreatment requirement applicable to a discharge and which is incorporated into a permit issued to a publicly owned treatment works under section 402 of the Act.

(f) "Publicly Owned Treatment Works" or "POTW" means a treatment works as defined by section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4) of the Act). This definition

includes any sewers that convey wastewater to such a treatment works; but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

(g) "Remove" or "removal" refers to removal of the oil or hazardous substances from the water and shoreline or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches.

(h) "Contiguous zone" means the entire zone established by the United States under Article 24 of the Convention on the Territorial Sea and Contiguous Zone.

(i) "Navigable waters" means "waters of the United States, including the territorial seas." This term includes:

(1) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(2) Interstate waters, including interstate wetlands;

(3) All other waters such as intrastate lakes, rivers, streams, (including intermittent streams), mudflats, sandflats, and wetlands, the use, degradation or destruction of which would affect or could affect interstate or foreign commerce including any such waters;

(i) Which are or could be used by interstate or foreign travelers for recreational or other purposes;

(ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce;

(iii) Which are used or could be used for industrial purposes by industries in interstate commerce;

(4) All impoundments of waters otherwise defined as navigable waters under this paragraph;

(5) Tributaries of waters identified in paragraphs (i)(1)–(4) of this section, including adjacent wetlands; and

(6) Wetlands adjacent to waters identified in paragraphs (i)(1)–(5) of this section ("Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally

included playa lakes, swamps, marshes, bogs, and similar areas such as sloughs, prairie potholes, wet meadows, prairie river overflows, mudflats, and natural ponds): *Provided*, That waste treatment systems (other than cooling ponds meeting the criteria of this paragraph) are not waters of the United States.

(j) "Process waste water" means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

§ 117.2 Abbreviations.

NPDES equals National Pollutant Discharge Elimination System. RQ equals reportable quantity.

§ 117.3 Determination of reportable quantities.

The quantity listed with each substance in Table 117.3 is determined to be the reportable quantity for that substance.

Table 117.3—Reportable Quantities of Hazardous Substances

Note.—The first number under the column headed "RQ" is the reportable quantity in pounds. The number in parentheses is the metric equivalent in kilograms. For convenience, the table contains a column headed "Category" which lists the code letters "X", "A", "B", "C" and "D" associated with reportable quantities of 1, 10, 100, 1000 and 5000 pounds respectively.

Material	Category	RQ in pounds (kilograms)
Acetaldehyde.....	C	1,000 (454)
Acetic acid.....	C	1,000 (454)
Acetic anhydride.....	C	1,000 (454)
Acetone cyanohydrin.....	A	10 (4.54)
Acetyl bromide.....	D	5,000 (2,270)
Acetyl chloride.....	D	5,000 (2,270)
Acrolein.....	X	1 (0.454)
Acrylonitrile.....	B	100 (45.4)
Adipic acid.....	D	5,000 (2,270)
Aldrin.....	X	1 (0.454)
Allyl alcohol.....	B	100 (45.4)
Allyl chloride.....	C	1,000 (454)
Aluminum sulfate.....	D	5,000 (2,270)
Ammonia.....	B	100 (45.4)
Ammonium acetate.....	D	5,000 (2,270)
Ammonium benzoate.....	D	5,000 (2,270)
Ammonium bicarbonate.....	D	5,000 (2,270)
Ammonium bichromate.....	C	1,000 (454)
Ammonium bifluoride.....	D	5,000 (2,270)
Ammonium bisulfite.....	D	5,000 (2,270)
Ammonium carbamate.....	D	5,000 (2,270)
Ammonium carbonate.....	D	5,000 (2,270)
Ammonium chloride.....	D	5,000 (2,270)
Ammonium chromate.....	C	1,000 (454)
Ammonium citrate.....	D	5,000 (2,270)
Ammonium fluoroborate.....	D	5,000 (2,270)
Ammonium fluoride.....	D	5,000 (2,270)
Ammonium hydroxide.....	C	1,000 (454)
Ammonium oxalate.....	D	5,000 (2,270)
Ammonium silicofluoride.....	C	1,000 (454)
Ammonium sulfamate.....	D	5,000 (2,270)
Ammonium sulfide.....	D	5,000 (2,270)
Ammonium sulfite.....	D	5,000 (2,270)
Ammonium tartrate.....	D	5,000 (2,270)
Ammonium thiocyanate.....	D	5,000 (2,270)
Ammonium thiosulfate.....	D	5,000 (2,270)
Amyl acetate.....	C	1,000 (454)
Aniline.....	C	1,000 (454)
Antimony pentachloride.....	C	1,000 (454)

Material	Category	RQ in pounds (kilograms)	Material	Category	RQ in pounds (kilograms)
Antimony potassium tartrate.....	C	1,000 (454)	Epichlorohydrin.....	C	1,000 (454)
Antimony tribromide.....	C	1,000 (454)	Ethion.....	A	10 (4.54)
Antimony trichloride.....	C	1,000 (454)	Ethylbenzene.....	C	1,000 (454)
Antimony trifluoride.....	C	1,000 (454)	Ethylenediamine.....	C	1,000 (454)
Antimony trioxide.....	D	5,000 (2,270)	Ethylene dibromide.....	C	1,000 (454)
Arsenic disulfide.....	D	5,000 (2,270)	Ethylene dichloride.....	D	5,000 (2,270)
Arsenic pentoxide.....	D	5,000 (2,270)	EDTA.....	D	5,000 (2,270)
Arsenic trichloride.....	D	5,000 (2,270)	Ferric ammonium citrate.....	C	1,000 (454)
Arsenic trioxide.....	D	5,000 (2,270)	Ferric ammonium oxalate.....	C	1,000 (454)
Arsenic trisulfide.....	D	5,000 (2,270)	Ferric chloride.....	C	1,000 (454)
Barium cyanide.....	A	10 (4.54)	Ferric fluoride.....	B	100 (45.4)
Benzene.....	C	1,000 (454)	Ferric nitrate.....	C	1,000 (454)
Benzoic acid.....	D	5,000 (2,270)	Ferric sulfate.....	C	1,000 (454)
Benzonitrile.....	C	1,000 (454)	Ferrous ammonium sulfate.....	C	1,000 (454)
Benzoyl chloride.....	C	1,000 (454)	Ferrous chloride.....	B	100 (45.4)
Benzyl chloride.....	B	100 (45.4)	Ferrous sulfate.....	C	1,000 (454)
Beryllium chloride.....	D	5,000 (2,270)	Formaldehyde.....	C	1,000 (454)
Beryllium fluoride.....	D	5,000 (2,270)	Formic acid.....	D	5,000 (2,270)
Beryllium nitrate.....	D	5,000 (2,270)	Fumaric acid.....	D	5,000 (2,270)
Butyl acetate.....	D	5,000 (2,270)	Furfural.....	C	1,000 (454)
n-Butyl phthalate.....	B	100 (45.4)	Guthion.....	X	1 (0.454)
Butylamine.....	C	1,000 (454)	Heptachlor.....	X	1 (0.454)
Butyric acid.....	D	5,000 (2,270)	Hexachlorocyclopentadiene.....	X	1 (0.454)
Cadmium acetate.....	B	100 (45.4)	Hydrochloric acid.....	D	5,000 (2,270)
Cadmium bromide.....	B	100 (45.4)	Hydrofluoric acid.....	D	5,000 (2,270)
Cadmium chloride.....	B	100 (45.4)	Hydrogen cyanide.....	A	10 (4.54)
Calcium arsenate.....	C	1,000 (454)	Hydrogen sulfide.....	B	100 (45.4)
Calcium arsenite.....	C	1,000 (454)	Isoprene.....	C	1,000 (454)
Calcium carbide.....	D	5,000 (2,270)	Isopropanolamine.....	C	1,000 (454)
Calcium chromate.....	C	1,000 (454)	dodecylbenzenesulfonate.....	D	5,000 (2,270)
Calcium cyanide.....	A	10 (4.54)	Kelthane.....	X	1,000 (454)
Calcium.....	C	1,000 (454)	Kepone.....	X	1,000 (454)
dodecylbenzenesulfonate.....	D	5,000 (2,270)	Lead acetate.....	D	5,000 (2,270)
Calcium hydroxide.....	D	5,000 (2,270)	Lead arsenate.....	D	5,000 (2,270)
Calcium hypochlorite.....	B	100 (45.4)	Lead chloride.....	D	5,000 (2,270)
Calcium oxide.....	D	5,000 (2,270)	Lead fluoroborate.....	D	5,000 (2,270)
Captan.....	A	10 (4.54)	Lead fluoride.....	C	1,000 (454)
Carbaryl.....	B	100 (45.4)	Lead iodide.....	D	5,000 (2,270)
Carbofuran.....	A	10 (4.54)	Lead nitrate.....	D	5,000 (2,270)
Carbon disulfide.....	D	5,000 (2,270)	Lead stearate.....	D	5,000 (2,270)
Carbon tetrachloride.....	D	5,000 (2,270)	Lead sulfate.....	D	5,000 (2,270)
Chlordane.....	X	1 (0.454)	Lead sulfide.....	D	5,000 (2,270)
Chlorine.....	A	10 (4.54)	Lead thiocyanate.....	D	5,000 (2,270)
Chlorobenzene.....	B	100 (45.4)	Lindane.....	X	1 (0.454)
Chloroform.....	D	5,000 (2,270)	Lithium chromate.....	C	1,000 (454)
Chlorpyrifos.....	X	1 (0.454)	Malathion.....	A	10 (4.54)
Chlorosulfonic acid.....	C	1,000 (454)	Maleic acid.....	D	5,000 (2,270)
Chromic acetate.....	C	1,000 (454)	Maleic anhydride.....	D	5,000 (2,270)
Chromic acid.....	C	1,000 (454)	Mercaptodimethur.....	B	100 (45.4)
Chromic sulfate.....	C	1,000 (454)	Mercuric cyanide.....	X	1 (0.454)
Chromous chloride.....	C	1,000 (454)	Mercuric nitrate.....	A	10 (4.54)
Cobaltous bromide.....	C	1,000 (454)	Mercuric sulfate.....	A	10 (4.54)
Cobaltous formate.....	C	1,000 (454)	Mercuric thiocyanate.....	A	10 (4.54)
Cobaltous sulfamate.....	C	1,000 (454)	Mercurous nitrate.....	A	10 (4.54)
Coumaphos.....	A	10 (4.54)	Methoxychlor.....	X	1 (0.454)
Cresol.....	C	1,000 (454)	Methyl mercaptan.....	B	100 (45.4)
Crotonaldehyde.....	B	100 (45.4)	Methyl methacrylate.....	D	5,000 (2,270)
Cupric acetate.....	B	100 (45.4)	Methyl parathion.....	B	100 (45.4)
Cupric acetoarsenite.....	B	100 (45.4)	Mevinphos.....	X	1 (0.454)
Cupric chloride.....	A	10 (4.54)	Mexacarbate.....	C	1,000 (454)
Cupric nitrate.....	B	100 (45.4)	Monoethylamine.....	C	1,000 (454)
Cupric oxalate.....	B	100 (45.4)	Monomethylamine.....	C	1,000 (454)
Cupric sulfate.....	A	10 (4.54)	Naled.....	A	10 (4.54)
Cupric sulfate ammoniated.....	B	100 (45.4)	Naphthalene.....	D	5,000 (2,270)
Cyanogen chloride.....	A	10 (4.54)	Naphthalenic acid.....	B	100 (45.4)
Cyclohexane.....	C	1,000 (454)	Nickel ammonium sulfate.....	D	5,000 (2,270)
2,4-D Acid.....	B	100 (45.4)	Nickel chloride.....	D	5,000 (2,270)
2,4-D Esters.....	B	100 (45.4)	Nickel hydroxide.....	C	1,000 (454)
DDT.....	X	1 (0.454)	Nickel nitrate.....	D	5,000 (2,270)
Diazinon.....	X	1 (0.454)	Nickel sulfate.....	D	5,000 (2,270)
Dicamba.....	C	1,000 (454)	Nitric acid.....	C	1,000 (454)
Dichlobenil.....	C	1,000 (454)	Nitrobenzene.....	C	1,000 (454)
Dichlorobenzene.....	X	1 (0.454)	Nitrogen dioxide.....	C	1,000 (454)
Dichlorobenzene.....	B	100 (45.4)	Nitrophenol.....	C	1,000 (454)
Dichloropropane.....	D	5,000 (2,270)	Nitrotoluene.....	C	1,000 (454)
Dichloropropene.....	D	5,000 (2,270)	Paraformaldehyde.....	C	1,000 (454)
Dichloropropene.....	D	5,000 (2,270)	Parathion.....	X	1 (0.454)
Dichloropropane Mixture.....	D	5,000 (2,270)	Pentachlorophenol.....	A	10 (4.54)
2,2-Dichloropropionic acid.....	D	5,000 (2,270)	Phenol.....	C	1,000 (454)
Dichlorvos.....	A	10 (4.54)	Phosgene.....	D	5,000 (2,270)
Dieldrin.....	X	1 (0.454)	Phosphoric acid.....	D	5,000 (2,270)
Diethylamine.....	C	1,000 (454)	Phosphorus.....	X	1 (0.454)
Dimethylamine.....	C	1,000 (454)	Phosphorus oxychloride.....	D	5,000 (2,270)
Dinitrobenzene.....	C	1,000 (454)	Phosphorus pentasulfide.....	B	100 (45.4)
Dinitrophenol.....	C	1,000 (454)	Phosphorus trichloride.....	D	5,000 (2,270)
Dinitrotoluene.....	C	1,000 (454)	Polychlorinated biphenyls.....	A	10 (4.54)
Diquat.....	C	1,000 (454)	Potassium arsenate.....	C	1,000 (454)
Disulfoton.....	X	1 (0.454)	Potassium arsenite.....	C	1,000 (454)
Diuron.....	B	100 (45.4)	Potassium bichromate.....	C	1,000 (454)
Dodecylbenzenesulfonic acid.....	C	1,000 (454)	Potassium chromate.....	C	1,000 (454)
Endosulfan.....	X	1 (0.454)	potassium cyanide.....	A	10 (4.54)
Endrin.....	X	1 (0.454)	Potassium hydroxide.....	C	1000(454)
			Potassium permanganate.....	B	100 (45.4)

Material	Category	RQ in pounds (kilograms)
Propargite	A	10 (4.54)
Propionic acid	D	5,000 (2,270)
Propionic anhydride	D	5,000 (2,270)
Propylene oxide	D	5,000 (2,270)
Pyrethrins	C	1,000 (454)
Quinoline	C	1,000 (454)
Resorcinol	C	1,000 (454)
Selenium oxide	C	1,000 (454)
Silver nitrate	X	1 (0.454)
Sodium	C	1,000 (454)
Sodium arsenate	C	1,000 (454)
Sodium arsenite	C	1,000 (454)
Sodium bichromate	C	1,000 (454)
Sodium bifluoride	D	5,000 (2,270)
Sodium bisulfite	D	5,000 (2,270)
Sodium chromate	C	1,000 (454)
Sodium cyanide	A	10 (4.54)
Sodium dodecylbenzenesulfonate	C	1,000 (454)
Sodium fluoride	D	5,000 (2,270)
Sodium hydrosulfide	D	5,000 (2,270)
Sodium hydroxide	C	1,000 (454)
Sodium hypochlorite	B	100 (45.4)
Sodium methylate	C	1,000 (454)
Sodium nitrite	B	100 (45.4)
Sodium phosphate, dibasic	D	5,000 (2,270)
Sodium phosphate, tribasic	D	5,000 (2,270)
Sodium selenite	C	1,000 (454)
Strontium chromate	C	1,000 (454)
Strychnine	A	10 (4.54)
Styrene	C	1,000 (454)
Sulfuric acid	C	1,000 (454)
Sulfur monochloride	C	1,000 (454)
2,4,5-T acid	B	100 (45.4)
2,4,5-T amines	B	100 (45.4)
2,4,5-T esters	B	100 (45.4)
2,4,5-T salts	B	100 (45.4)
2,4,5-TP acid	B	100 (45.4)
2,4,5-TP acid esters	B	100 (45.4)
TDE	X	1 (0.454)
Tetraethyl lead	B	100 (45.4)
Tetraethyl pyrophosphate	B	100 (45.4)
Thallium sulfate	C	1,000 (454)
Toluene	C	1,000 (454)
Toxaphene	X	1 (0.454)
Trichloron	C	1,000 (454)
Trichloroethylene	C	1,000 (454)
Trichlorophenol	A	10 (4.54)
Triethanolamine	C	1,000 (454)
dodecylbenzenesulfonate	D	5,000 (2,270)
Triethylamine	C	1,000 (454)
Trimethylamine	C	1,000 (454)
Uranyl acetate	D	5,000 (2,270)
Uranyl nitrate	D	5,000 (2,270)
Vanadium pentoxide	C	1,000 (454)
Vanadyl sulfate	C	1,000 (454)
Vinyl acetate	C	1,000 (454)
Vinylidene chloride	D	5,000 (2,270)
Xylene	C	1,000 (454)
Xylenol	C	1,000 (454)
Zinc acetate	C	1,000 (454)
Zinc ammonium chloride	D	5,000 (2,270)
Zinc borate	C	1,000 (454)
Zinc bromide	D	5,000 (2,270)
Zinc carbonate	C	1,000 (454)
Zinc chloride	D	5,000 (2,270)
Zinc cyanide	A	10 (4.54)
Zinc fluoride	C	1,000 (454)
Zinc formate	C	1,000 (454)
Zinc hydrosulfite	C	1,000 (454)
Zinc nitrate	D	5,000 (2,270)
Zinc phenolsulfonate	D	5,000 (2,270)
Zinc phosphide	C	1,000 (454)
Zinc silicofluoride	D	5,000 (2,270)
Zinc sulfate	C	1,000 (454)
Zirconium nitrate	D	5,000 (2,270)
Zirconium potassium fluoride	D	5,000 (2,270)
Zirconium sulfate	D	5,000 (2,270)
Zirconium tetrachloride	D	5,000 (2,270)

greater than the reportable quantities, when discharged into or upon the navigable waters of the United States, adjoining shorelines, into or upon the contiguous zone, or beyond the contiguous zone as provided in section 311(b)(3) of the Act, except to the extent that the owner or operator can show such that discharges are made:

(a) In compliance with a permit issued under the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.);

(b) In compliance with approved water treatment plant operations as specified by local or State regulations pertaining to safe drinking water;

(c) Pursuant to the label directions for application of a pesticide product registered under section 3 or section 24 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (7 U.S.C. 136 et seq.), or pursuant to the terms and conditions of an experimental use permit issued under section 5 of FIFRA, or pursuant to an exemption granted under section 18 of FIFRA;

(d) In compliance with the regulations issued under section 3004 or with permit conditions issued pursuant to section 3005 of the Resource Conservation and Recovery Act (90 Stat. 2795; 42 U.S.C. 6901);

(e) In compliance with instructions of the On-Scene Coordinator pursuant to 40 CFR 1510 (the National Oil and Hazardous Substances Pollution Plan) or 33 CFR 153.10(e) (Pollution by Oil and Hazardous Substances) or in accordance with applicable removal regulations as required by section 311(j)(1)(A);

(f) In compliance with a permit issued under § 165.7 of Title 14 of the State of California Administrative Code;

(g) From a properly functioning inert gas system when used to provide inert gas to the cargo tanks of a vessel;

(h) From a permitted source and are excluded by § 117.12 of this regulation;

(i) To a POTW and are specifically excluded or reserved in § 117.13; or

(j) In compliance with a permit issued under section 404(a) of the Clean Water Act or when the discharges are exempt from such requirements by section 404(f) or 404(r) of the Act (33 U.S.C. 1344(a), (f), (r)).

§ 117.12 Applicability to discharges from facilities with NPDES permits.

(a) This regulation does not apply to:

(1) Discharges in compliance with a permit under section 402 of this Act;

(2) Discharges resulting from circumstances identified, reviewed and made a part of the public record with respect to a permit issued or modified

under section 402 of this Act, and subject to a condition in such permit;

(3) Continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 of this Act, which are caused by events occurring within the scope of the relevant operating or treatment systems; or

(b) A discharge is "in compliance with a permit issued under section 402 of this Act" if the permit contains an effluent limitation specifically applicable to the substance discharged or an effluent limitation applicable to another waste parameter which has been specifically identified in the permit as intended to limit such substance, and the discharge is in compliance with the effluent limitation.

(c) A discharge results "from circumstances identified, reviewed and made a part of the public record with respect to a permit issued or modified under section 402 of the Act, and subject to a condition in such permit," whether or not the discharge is in compliance with the permit, where:

(1) The permit application, the permit, or another portion of the public record contains documents that specifically identify:

(i) The substance and the amount of the substance; and

(ii) The origin and source of the substance; and

(iii) The treatment which is to be provided for the discharge either by:

(A) An on-site treatment system separate from any treatment system treating the permittee's normal discharge; or

(B) A treatment system designed to treat the permittee's normal discharge and which is additionally capable of treating the identified amount of the identified substance; or

(C) Any combination of the above; and

(2) The permit contains a requirement that the substance and amounts of the substance, as identified in § 117.12(c)(1)(i) and § 117.12(c)(1)(ii) be treated pursuant to § 117.12(c)(1)(iii) in the event of an on-site release; and

(3) The treatment to be provided is in place.

(d) A discharge is a "continuous or anticipated intermittent discharge from a point source, identified in a permit or permit application under section 402 of this Act, and caused by events occurring within the scope of the relevant operating or treatment systems," whether or not the discharge is in compliance with the permit, if:

(1) The hazardous substance is discharged from a point source for

Subpart B—Applicability

§ 117.11 General applicability.

This regulation sets forth a determination of the reportable quantity for each substance designated as hazardous in 40 CFR Part 116. The regulation applies to quantities of designated substances equal to or

which a permit application has been submitted; and

(2) The discharge of the hazardous substance results from:

(i) The contamination of noncontact cooling water or storm water, provided that such cooling water or storm water is not contaminated by an on-site spill of a hazardous substance; or

(ii) A continuous or anticipated intermittent discharge of process waste water, and the discharge originates within the manufacturing or treatment systems; or

(iii) An upset or failure of a treatment system or of a process producing a continuous or anticipated intermittent discharge where the upset or failure results from a control problem, an operator error, a system failure or malfunction, an equipment or system startup or shutdown, an equipment wash, or a production schedule change, provided that such upset or failure is not caused by an on-site spill of a hazardous substance.

§ 117.13 Applicability to discharges from publicly owned treatment works and their users.

(a) [Reserved], with the exception of § 117.13(b) below,

(b) These regulations apply to all discharges of reportable quantities to a POTW, where the discharge originates from a mobile source, except where such source has contracted with, or otherwise received written permission from the owners or operators of the POTW to discharge that quantity, and the mobile source can show that prior to accepting the substance from an industrial discharger, the substance had been treated to comply with any effluent limitation under sections 301, 302 or 306 or pretreatment standard under section 307 applicable to that facility.

§ 117.14 Demonstration projects.

Notwithstanding any other provision of this part, the Administrator of the Environmental Protection Agency may, on a case-by-case basis, allow the discharge of designated hazardous substances in connection with research or demonstration projects relating to the prevention, control, or abatement of hazardous substance pollution. The Administrator will allow such a discharge only where he determines that the expected environmental benefit from such a discharge will outweigh the potential hazard associated with the discharge.

Subpart C—Notice of Discharge of a Reportable Quantity

§ 117.21 Notice.

Any person in charge of a vessel or an onshore or an offshore facility shall, as soon as he has knowledge of any discharge of a designated hazardous substance from such vessel or facility in quantities equal to or exceeding in any 24-hour period the reportable quantity determined by this Part, immediately notify the appropriate agency of the United States Government of such discharge. Notice shall be given in accordance with such procedures as the Secretary of Transportation has set forth in 33 CFR 153.203. This provision applies to all discharges not specifically excluded or reserved by another section of these regulations.

§ 117.22 Penalties.

(a) Any person in charge of a vessel or an onshore or offshore facility who fails to notify the United States Government of a prohibited discharge pursuant to § 117.21 (except in the case of a discharge beyond the contiguous zone, where the person in charge of a vessel is not otherwise subject to the jurisdiction of the United States) shall be subject to a fine of not more than \$10,000 or imprisonment for not more than one year, or both, pursuant to section 311(b)(5).

(b) The owner, operator or person in charge of a vessel or an onshore or offshore facility from which is discharged a hazardous substance designated in 40 CFR Part 116 in a quantity equal to or exceeding in any 24-hour period, the reportable quantity established in this Part (except in the case of a discharge beyond the contiguous zone, where the person in charge of a vessel is not otherwise subject to the jurisdiction of the United States), shall be assessed a civil penalty of up to \$5,000 per violation under section 311(b)(6)(A). Alternatively, upon a determination by the Administrator, a civil action will be commenced under section 311(b)(6)(B) to impose a penalty not to exceed \$50,000 unless such discharge is the result of willful negligence or willful misconduct within the privity and knowledge of the owner, operator, or person in charge, in which case the penalty shall not exceed \$250,000.

Note: The Administrator will take into account the gravity of the offense and the standard of care manifest by the owner, operator, or person in charge in determining whether a civil action will be commenced under section 311(b)(6)(B). The gravity of the offense will be interpreted to include the size of the discharge, the degree of danger or harm

to the public health, safety, or the environment, including consideration of toxicity, degradability, and dispersal characteristics of the substance, previous spill history, and previous violation of any spill prevention regulations. Particular emphasis will be placed on the standard of care and the extent of mitigation efforts manifest by the owner, operator, or person in charge.

§ 117.23 Liabilities for removal.

In any case where a substance designated as hazardous in 40 CFR Part 116 is discharged from any vessel or onshore or offshore facility in a quantity equal to or exceeding the reportable quantity determined by this Part, the owner, operator or person in charge will be liable, pursuant to sections 311 (f) and (g) of the Act, to the United States Government for the actual costs incurred in the removal of such substance, subject only to the defenses and monetary limitations enumerated in sections 311 (f) and (g) of the Act.

The Administrator may act to mitigate the damage to the public health or welfare caused by a discharge and the cost of such mitigation shall be considered a cost incurred under section 311(c) for the removal of that substance by the United States Government.

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 122]

[FRL 1305-4]

Draft Application Forms for EPA Programs Regarding National Pollutant Discharge Elimination System Permits

AGENCY: Environmental Protection Agency.

ACTION: Request for additional comments on proposed application requirements for National Pollutant Discharge Elimination System permits and on proposed rules for regulating indicator parameters.

SUMMARY: Elsewhere in today's Federal Register, EPA has published final regulations concerning the control of spills and other discharges of substances designated as hazardous by the Administrator under section 311 of the Clean Water Act ("CWA"). Those regulations clarify that certain discharges of hazardous substances are to be regulated under the section 402 permit program (the National Pollutant Discharge Elimination System) rather than under section 311 of the Clean Water Act. As a result, the Agency will be required to amend its proposed application requirements (see proposed § 122.64(d), 44 FR 34393, June 14, 1979 and EPA's draft NPDES application form, 44 FR 34346, June 14, 1979) by requiring applicants for NPDES permits to submit information concerning the presence of hazardous substances in their discharges.

In addition, the Agency intends to expand its proposal of 40 CFR 125.3, proposed at 44 FR 34416 (June 14, 1979), that limitations on "indicators" (pollutants whose limitation will result in control of other pollutants) for pollutants listed as toxic under section 307(a) of CWA may be more stringent than the best conventional pollutant control technology ("BCT") and shall not be subject to section 301 (c) or (g) modifications. The proposal would be expanded to address the situation where a conventional pollutant is used as an indicator to control hazardous substances. Proposed § 125.3 would be expanded to provide that a limitation for a conventional pollutant which is used as an indicator for a hazardous substance not listed as a toxic pollutant may be set at a level more stringent than BCT.

The Agency is soliciting comments on these new proposed requirements.

DATES: Comments on the proposed application requirements and EPA's draft NPDES application form (44 FR 34346-34416, June 14, 1979) are due no later than September 12, 1979. The

application requirements for hazardous substances proposed here are intimately tied to the requirements and the form. However, to afford the public an opportunity to comment upon the approach now being considered by the Agency, the deadline for all comments on application requirements for hazardous substances is extended to September 28, 1979.

The June 14, 1979 proposal and notice of the draft application form contains detailed discussion concerning the times and places of several public meetings which have already been or will be held throughout the United States to receive public comments (44 FR 34346 and 34393). They also contain information on the availability of pamphlets which summarize and explain the proposed requirements and draft form.

Comments should be addressed to: Edward A. Kramer (A-1), Permits Division (EN-336), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 755-0750.

FOR FURTHER INFORMATION CONTACT: Dov Weitman, Permits Division (EN-336), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 426-9441.

SUPPLEMENTARY INFORMATION: Section 311 of the Clean Water Act ("CWA") provides for the regulation of spills and other discharges of substances designated as hazardous by the Administrator of EPA. On November 2, 1978, the President signed certain amendments to section 311 of CWA. In response to those amendments, the Agency proposed certain amendments to its regulations governing hazardous substances on February 16, 1979 (44 FR 10266). Elsewhere in today's Federal Register, the Agency has published final regulations.

A major component of the 1978 Amendments to section 311 was the exclusion of certain discharges from coverage by section 311, because these discharges are more appropriately covered under the National Pollutant Discharge Elimination System ("NPDES") permit program established by section 402 of CWA. In its February 16, 1979 proposed section 311 regulations, the Agency would have required any facility seeking an exemption of particular hazardous substance discharges from section 311 coverage to identify such discharges when it applied for an NPDES permit and to either demonstrate adequate control of the discharge or obtain an NPDES permit condition controlling the discharge.

The Agency has reevaluated this proposal and concluded that continuous

or anticipated intermittent discharges which are caused by events occurring within the scope of relevant operating or treatment systems are exempt from section 311 coverage whenever a permit application identifying the point source is submitted. This is consistent with the Congressional intent that such discharges would be more appropriately covered by the NPDES program and should be exempt from section 311 whenever an NPDES permit is applied for. A more detailed discussion of this subject is contained in the preamble to 40 CFR Part 117 (published elsewhere in today's Federal Register).

On June 14, 1979, the Agency proposed NPDES application requirements for existing industrial dischargers (44 FR 34393) and published a draft application form consistent with those requirements (44 FR 34346). The proposal reflected the proposed hazardous substance regulations of February 16, 1979. As mentioned above, under those requirements, an NPDES applicant's hazardous substance discharges would have been covered by section 311 unless the applicant identified the discharged hazardous substance in the NPDES application and sought NPDES coverage of those discharges. Therefore, the NPDES proposal of June 14 provided to the applicant an option of reporting any hazardous substance discharge for which section 311 exclusion is sought. See proposed 40 CFR 122.64(d)(19) and draft NPDES application form, 44 FR 34359-60 and 34415. However, the Agency saw no need to require such reporting where the applicant did not seek such an exclusion and was willing to have its hazardous substance discharges remain subject to the requirements of section 311.

Today's final promulgation of section 311 regulations requires a reevaluation of the proposed application requirements for hazardous substances. As noted above, the promulgated section 311 regulations now recognize the Congressional intent to exclude continuous or anticipated intermittent discharges which are caused by events occurring within the scope of relevant operating or treatment systems. To insure, as Congress intended, that such discharges remain subject to appropriate environmental controls, they must now be regulated in permits under the NPDES program. This in turn requires that such discharges be reported in NPDES applications.

The proposed June 14, 1979 application regulations would require all applicants from "Group I" industries to sample and analyze for and report

discharges of pollutants listed as toxic under section 307(a) of CWA in their process wastewater outfalls. These industries include the 34 industries identified in the Consent Decree in *Natural Resources Defense Council v. Train*, 8 ERC 2120 (D.D.C. 1976), amended on March 9, 1979, plus the Ferroalloys and Asbestos Manufacturing industries. The basis for this requirement is explained in detail at 44 FR 34394-34404. In addition, all "Group II" dischargers (those not listed in Group I) must report any known toxic pollutant discharges in all their outfalls, and Group I dischargers must report such discharges in their non-process wastewater outfalls. However, such reporting may be based upon estimates in lieu of sampling and analysis.

To properly regulate hazardous substances under the NPDES program, the Agency believes that it will be necessary to require applicants for NPDES permits to report hazardous substances discharges. However, the approach will differ, at least initially, from that used for toxic pollutants as described in the preceding paragraph. In formulating reporting requirements for hazardous substances, the Agency addressed two issues: Which hazardous substances should be reported, and in what manner should they be reported?

First, it should be noted that many hazardous substances are contained on the section 307(a) list of toxic pollutants; thus they are already required to be reported under the June 14 proposed application requirements for toxic pollutants. In addition, many of the dissociated ions of other hazardous substances already are required to be reported under the proposed requirements. For example, one hazardous substance, ammonium chromate, dissociates into the "nonconventional" pollutant ammonium ion and the toxic pollutant chromate ion. Ammonia and total chromium are already required by the June 14 proposal to be reported.

The Agency has therefore reviewed only those hazardous substances which would not be reported under the June 14 proposed requirements to determine which substances should now be added to the list of reportable pollutants. This determination is based in turn on an estimation of the significance of these substances as related to the considerations underlying the NPDES program. These considerations differ from those which were used to designate substances as hazardous. Thus, certain hazardous pollutants need not be reported in the NPDES applications.

For example, acetyl chloride in a highly concentrated form is harmful to aquatic life; in the context of a spill, which section 311 is intended to address, acetylchloride can cause harm due to shock effect. However, acetyl chloride is rapidly converted in water to acetate ion and chloride ion, which are much less harmful. In the context of discharges through outfalls, then, acetyl chloride does not pose a significant threat to aquatic life. Therefore, neither the compound nor its ions would be required to be reported in NPDES applications.

Other exclusions follow the logic of the June 14 proposed requirements which delete from present reporting requirements certain pollutants "such as chloride, calcium, potassium and sodium, because they are relatively non-toxic and the levels and amounts found in industrial discharges are generally not of concern," 44 FR 34400. A number hazardous substances and dissociated ions are not required to be reported for the same reasons.

Tables I and II list the hazardous substances and dissociated ions (other than those which are toxic pollutants and thus already covered by the June 14 proposed application requirements) which the Agency presently proposes to add to the list of reported pollutants. The Agency requests comments on these proposed reporting requirements, including data on the toxicity of hazardous substances or ions, stability in water, or any other factors which might indicate whether particular substances should be reported.

The manner in which hazardous substances listed in Tables I and II would be reported is presently limited by the lack of promulgated test methods for many of these substances. Due to the priority which the Agency has set on developing test methods for toxic pollutants, the Agency has not promulgated test methods (under Section 304(h) of CWA) for many of the hazardous substances or their ions. Therefore, apart from the testing requirements proposed on June 14, Group I applicants would be required under today's expanded approach to test their process wastewater outfalls only for the 16 hazardous substances (including 13 pesticides, 2 chlorinated hydrocarbons and 1 metal) for which test methods have been promulgated. (These pesticides are starred in Tables I and II.) As more test methods are developed in the future, the testing requirements would be expanded accordingly.

Table I—Hazardous Substances To Be Reported

Acetaldehyde
Allyl Alcohol
Allyl Chloride
Amyl acetate
Aniline
Benzonitrile
*Benzyl chloride
Butyl acetate
Butylamine
*Captan
*Carbaryl
Carbofuran
Carbon disulfide
Chlorpyrifos
Coumaphos
Cresol
Crotonaldehyde
Cyclohexane
*2,4-D (Total)
*Diazinon
*Dicamba
Dichlobenil
Dichlorone
2,2-dichloropropionic acid
Dichlorvos
Diethyl amine
Dimethyl amine
Dinitrobenzene
Diquat
*Disulfoton
*Diuron
*Epichlorohydrin
*Ethion
Ethylene diamine
Ethylene dibromide
Formaldehyde
Furfural
Guthion
Isoprene
Kelthane
Kepone
*Malathion
Mercaptodimetur
Methoxychlor
Methyl mercaptan
Methyl methacrylate
*Methyl parathion
Mevinphos
*Mexacarbate
Monethyl amine
Monomethyl amine
Naled
Napthenic acid
Nitrotoluene
*Parathion
Phosgene
Propargite
Propylene oxide
Pyrethrins
Quinoline
Resorcinol
Strychnine
Styrene
*2,4,5-T (Total)
2,4,5-TP (Total)
TDE
Trichlorofon
Triethylamine
Trimethylamine
Vinyl acetate
Vinylidene Chloride

*Test method has been promulgated under section 304(h).

Xylene
Xylenol

Table II—Dissociation Products of Hazardous Substances to be Reported

Isopropanolamine¹
Strontium
Ethanolamine²
Uranium
*Vanadium
Phenolsulfonate³
Zirconium

Even in the case of the 16 substances for which test methods have been promulgated, the testing requirements for Group I industries would be more limited than in the case of toxic pollutants. This is based on two considerations. First, most Group I industries are not likely to have most of these substances in their discharges. For example, most Group I industries do not discharge any pesticides. Second, the promulgated test methods for the 15 organic substances use gas chromatography (GC), rather than GC/mass spectrometry (GC/MS). The use of GC/MS would allow analysis for all these organics at little incremental cost over the analysis for toxic pollutants. In contrast, the use of GC could result in incremental analytic costs of \$2,000, because samples might have to be run on two or more GC columns to provide complete identification.

The Agency has tentatively concluded that until GC/MS methods are promulgated for the 15 organic hazardous substances, Group I applicants should be required to test for only those substances which they know or have reason to believe may be present in their discharges. Where an applicant believes that it does not discharge a measurable quantity of one of these 15 substances, it may so state in its application without testing for the pollutant. However, where an applicant knows or has reason to believe that a substance is present, it must test for the substance and report the measured level. Of course, the application-based limit of proposed 40 CFR 122.68(a) (discussed at 44 FR 34404) remains applicable in either case.

Unlike in the case of the 15 organic hazardous substances, incremental testing costs for vanadium are small, since its sampling and analysis may be conducted together with that for metals on the toxic pollutant list, which are already required to be tested. Therefore, all Group I applicants would be required

to test for vanadium in their process wastewater outfalls.

In the case of the other hazardous substances in Tables I and II for which official test methods do not exist, the Agency intends to require Group I dischargers simply to indicate the presence or absence of hazardous substances in their discharges. If present, they would be required to indicate briefly (several words) the source of the discharge. Due to the lack of promulgated test methods for these substances, the Agency believes that this approach is reasonable. Of course, when the Agency promulgates test methods for these substances, the testing requirements would be expanded accordingly.

In the cases of discharges by Group II industries or non-process wastewater discharges by Group I industries, the Agency will require applicants to indicate only the presence or absence of hazardous substance discharges (whether or not test methods have been promulgated for those substances) and, if present, to indicate the source of discharge.

Where applicants are required to report only presence or absence, the application-based limits (proposed on June 14, 1979 in 40 CFR 122.68(a)) would not apply. However, where an applicant reports that it does not discharge a hazardous substance, and later learns or has reason to believe that it is discharging the substance, it would be required to report this fact to the permitting authority. If necessary, the permit would then be modified to reflect the changed circumstances.

Upon receipt of an NPDES application, the Agency will use the information on hazardous substance discharges, together with treatability information which the Agency is now assembling, to set appropriate permit limits to control the discharges. The method of using such information to set permit limits is fully discussed (with a particular emphasis on toxic pollutants, but equally applicable to hazardous substances) at 44 FR 34396-99, June 14, 1979.

As explained in the June 14 preamble, the basic approach to setting technology-based permit limits under section 301(b)(2) of CWA is to apply promulgated effluent limitations guidelines when they are available and, when they are not available, to set permit limits on a case-by-case basis under section 402(a)(1) of the CWA. See 40 CFR 125.3 (44 FR 32448, June 7, 1979). In either case, the goal is to establish a set of permit limits which will reflect the discharger's installation, operation and maintenance of treatment technology

which provides the level of treatment required by the relevant subsections of section 301(b) of CWA.

Unlike in the case of toxic pollutants, which have been the prime focus of the Agency's new application requirements and permitting strategy, most hazardous substances will generally not be covered by effluent guidelines to be promulgated over the next several years. As explained in the June 14 preamble, resource constraints have required the Agency to focus both its guidelines and test method development activities upon toxic pollutants.

However, the absence of guidelines covering hazardous substances does not preclude control of these substances through permits. The Agency is gathering treatability information relating to the substances, which will afford to permit writers the opportunity to set limits for them. Furthermore, the Agency anticipates that the organic hazardous substances which are not on the toxics list, as well as certain ions of other hazardous substances which may be found in waste streams, will in the majority of cases be adequately controlled by the equipment which is installed to control the toxic pollutants in a discharge. (For example, most of the organic hazardous substances will be susceptible to biological treatment.) Therefore, the burden of setting case-by-case limitations on hazardous substances is greatly mitigated.

In those instances where the treatability information indicates that a hazardous substance present in the discharge at significant levels will not be adequately controlled (i.e., to BAT or other applicable standards) by the limitation of the toxic pollutants, permit limits must be set for the hazardous substances. As explained in detail at 44 FR 34397-9, the substances may be limited either directly or indirectly through the limitation of "indicator" parameters, whose limitation will insure installation and operation of equipment or methods which will control the hazardous substances.

Where a pollutant is used as an indicator to control toxic pollutants, proposed 40 CFR 125.3(g) has clarified that the limitation on that pollutant must reflect the best available technology economically achievable ("BAT") for the toxic pollutant discharge. Thus a conventional pollutant indicator limit for toxics would not be subject to the cost test for best conventional pollutant control technology ("BCT") under section 304(b)(4)(B) of CWA. This reasoning applies equally where a conventional pollutant is used as an indicator for hazardous substances, which are all subject to BAT (since they

¹Test method has been promulgated under section 304(h).

²From isopropanolamine dodecylbenzenesulfonate.

³From Triethanolamine dodecylbenzenesulfonate.

⁴From zinc phenolsulfonate.

are all toxic or nonconventional pollutants). Thus the Agency intends to expand § 125.3 by similarly providing that a limit placed upon a conventional pollutant indicator for hazardous substances is not subject to the BCT cost test.

Since economic or water quality related variances are available for nonconventional (not listed as toxic or conventional) pollutants under sections 301(c) and 301(g) of CWA, such variances may be applied for whenever a conventional or nonconventional indicator is used to control a hazardous substance, unless the hazardous substance is a toxic pollutant. Of course, if the indicator is a conventional pollutant, no variance may result in a limitation which is less stringent than BCT for the conventional pollutant.

The Agency seeks comments upon the approach outlined above.

Economic Impact of Reporting Requirements

The Agency has considered the costs which will result from the proposed reporting requirements for hazardous substances. The reporting which does not require testing (determining the presence and source of the 64 hazardous substances which do not have promulgated test methods) would require no more resources than the reporting requirements originally proposed. (See 44 FR 34410.) The testing required for the 16 hazardous pollutants with promulgated test methods would have a small impact, except on those industries (such as the pesticides category) which are likely to have a number of hazardous substances present. The new requirement that all Group I industries test for vanadium, at an average cost of \$20 per sample, adds about 0.4% to the total cost of testing for Group I applicants.

As noted above, the test methods for 15 of the 16 hazardous substances use GC. The Agency has previously estimated this cost to be \$50-\$100 per pollutant. The cost of GC for the 15 hazardous pollutants is likely to be at the high end of this range, because in some cases more than one GC column will have to be run to provide complete identification of the pollutant. (GC/MS methods, which generally provide conclusive identification, have not yet been promulgated for these 15 pollutants.) The Agency is assuming that no costs are added from sampling for the hazardous pollutants, because the sample (72-hour composite) can be collected at the same time as the one for toxic pollutants. Thus the total incremental testing cost is about \$100 per hazardous substance. The Agency

does not have sufficient information on the expected presence of these pollutants to make an estimate of the number of applicants who will be required to do this testing and the number of pollutants for which they will test. The thirteen reportable hazardous substances which are pesticides are unlikely to be present in effluents except in certain industry categories such as pesticides manufacturing. Thus it is likely, therefore, that most applicants will not test for any of the 13 pesticides; and so they will not incur additional costs for these analyses. A few applicants may be required to test for many of these substances and expend up to a possible maximum of \$1300 per outfall. The Agency solicits information on the expected presence of the hazardous substances in effluents, and on the costs of their analytical methods.

Treatment Costs For Hazardous Substances

As described above, permit writers will in some circumstances set limits on a case-by-case basis on hazardous substances which will require the installation of additional treatment equipment. The Agency anticipates that such installation will not be necessary in most cases, because many dischargers do not discharge hazardous substances in significant quantities and because in most cases the BAT-level treatment required to treat toxic and nonconventional pollutants will also remove hazardous substances.

In most cases applicants with discharges of hazardous substances will have installed or be required to install treatment systems to control toxic and other pollutants. If additional treatment is required, one type of treatment which is likely to be added to control hazardous substances (when they are present in a discharge) is carbon adsorption, which removes many organic compounds which are not hydrolyzed or precipitated by other treatment systems such as biological treatment. Thus, where an applicant discharges hazardous substances but has not installed carbon adsorption equipment to control other pollutants, incremental treatment cost may be involved with respect to the hazardous substances.

Table III summarizes the capital and annual costs of adding a carbon adsorption unit for various sizes of plants. The table is based upon information contained in EPA's Development Document for Final BPT Effluent Limitations Guidelines for the Pesticide Chemicals Manufacturing Point Source Category, April, 1978 (EPA 440/1-78/060-e).

TABLE III—Capital and Annual Costs for Carbon Treatment System—750 Minutes Detention Time

	Large plant	Medium plant	Small plant
Flow, mgd.....	0.3	0.067	0.015
Capital Cost.....	\$8,219,250	\$1,820,190	\$791,150
Annual Cost (including capital recovery).....	2,442,560	770,540	336,860

Applicants who are most likely to have one or more of the hazardous substances in their effluents are those in the pesticides manufacturing and formulating categories. These applicants will be required to install BAT-level treatment by the Effluent Limitations Guidelines, which cover a large number of pesticides, including the 13 reportable hazardous pesticides. The costs of installing treatment for permittees covered by effluent guidelines is considered in developing the guidelines. Therefore, even in the pesticides industry, the reporting requirements for the hazardous substances will generally not lead to increased treatment requirements. The Agency requests any information on the number of permittees which might be required to install additional treatment, and on the costs of such treatment systems.

Dated: August 15, 1979.

Marvin B. Durning,

Assistant Administrator for Enforcement,
United States Environmental Protection Agency.

[FR Doc. 79-26760 Filed 8-28-79; 8:45 am]

BILLING CODE 5560-01-M

[40 CFR Parts 116, 117]

[FRL 1305-5]

Proposed Removal of Calcium Oxide and Calcium Hydroxide From Hazardous Substance List

AGENCY: Environmental Protection Agency.

ACTION: Proposed amendment to rule.

SUMMARY: On March 13, 1978, (43 FR 10474) EPA listed calcium oxide and calcium hydroxide ("lime") as hazardous substances under section 311 of the Clean Water Act. In response to a petition, EPA has tentatively concluded that these compounds are not hazardous within the meaning of section 311. EPA is therefore proposing to remove these chemicals from its hazardous substance list.

DATES: Public comments on this proposed action must be submitted on or before September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth M. Mackenthun, Director, Criteria and Standards Division (WH-

585), Office of Water Planning and Standards, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. (202-755-0100).

SUPPLEMENTARY INFORMATION: Section 311(b)(2)(A) of the Clean Water Act (the Act) requires the Administrator to promulgate regulations designating as hazardous substances those elements and compounds which, when discharged in any quantity to surface waters or adjoining shorelines, present an imminent and substantial danger to the public health or welfare. Section 311(b)(4) of the Act requires the Administrator to assign to each designated hazardous substance a quantity which, if discharged, gives rise to reporting requirements and civil penalty and clean-up cost liability.

Pursuant to this authority, on March 13, 1978, EPA promulgated regulations designating 271 substances as hazardous. 43 FR 10474. EPA designated substances as hazardous on the basis of their acute toxicity to aquatic organisms. See discussion at 43 FR 10474-79. Calcium oxide and calcium hydroxide ("lime") were among the substances designated. Because laboratory tests indicate that both compounds are acutely toxic in concentrations greater than 100 mg/l and less than 500 mg/l, EPA placed them in Category D, the least toxic category, and assigned them "harmful quantities" of 5,000 pounds. See 43 FR 10489-94.

On February 16, 1979, the designation regulations were amended, and lime was retained as a hazardous substance. 44 FR 10266, 40 CFR Part 116. At the same time, the former harmful quantity regulations were revoked (44 FR 10269) and replaced by proposed determinations of reportable quantities. 44 FR 10271, 40 CFR Part 117. These regulations are published in final form elsewhere in today's *Federal Register*.

On April 3, 1979, the Mississippi Lime Company (MLC) petitioned EPA for reconsideration of the regulation designating lime as a hazardous substance. The petition contends that lime does not present an "imminent and substantial" danger to the environment for two reasons: (1) Because of the beneficial uses of lime and because of the alleged absence of conclusive historical evidence that lime discharges have in the past resulted in environmental damage ("Ground One"); and (2) because the unique chemistry of lime and its reaction with water precludes the acutely toxic effects relied on by EPA for designation ("Ground Two"). Ground One lacks merit, but EPA has tentatively concluded that Ground Two is good cause for removing

lime from the list of designated hazardous substances.

Ground One

The Act does not limit the list of hazardous substances to those which have already conclusively demonstrated their danger by virtue of a catastrophic discharge. The statutory standard of "imminent and substantial danger" is precautionary and preventative in nature. The statute contemplates designation of substances based on their hazardous properties, and makes no mention of consideration of past environmental damage.

Congress sought through section 311 to avoid environmental insult before it occurred. Moreover, since there has been no requirement that discharges of hazardous substances be reported, the lack of a discharge history is no basis for concluding that a substance has not in fact been discharged and resulted in "imminent and substantial danger" to the environment.

Similarly, the fact that lime is an important commercial chemical which has a number of beneficial uses does not preclude its listing as a hazardous substance. All chemical produced commercially, including those designated as hazardous substances, are apparently meeting a market demand and must therefore be assumed to have beneficial uses. Designation under section 311 does not prohibit the manufacture, transport or use of a substance, but rather restricts the discharge of the substance. Accordingly, past discharge history and beneficial uses of a substance are not relevant to designation of that substance as hazardous.

Ground Two

The issues concerning the chemistry of the reaction of lime and water are more persuasive. Information submitted by MLC indicates that the amount of lime that is available for solution in water in case of a spill (i.e., the amount which can contribute to potential fish toxicity) is only a small percentage of the total amount spilled. The principal reason for this phenomenon is that lime is a dry bulk solid that undergoes rapid hydration upon exposure to moisture or water forming a gel-like cover which protects most of the lime from reaction with water. The hydrated or "slaked" lime in the gel-like cover reacts quickly with available carbonate ions to form a relatively insoluble calcium carbonate covering.

MLC also presented information that the small amount of lime which does go into solution reacts quickly with carbonate ions (or bicarbonates) in the

water to form calcium carbonate (limestone), which is toxic to fish only at concentrations much greater than 500 mg/l.

Therefore, upon consideration of the evidence submitted, EPA proposes to delete calcium hydroxide and calcium oxide from 40 CFR Parts 116 and 117, because EPA has tentatively concluded that these substances do not present an imminent and substantial danger to the environment when discharged.

It should be emphasized that this proposed determination does not affect the validity of EPA's acute aquatic toxicity criterion. Rather, based on the documents provided by petitioner MLC, it appears that the unique chemistry of lime is such that lime would not exceed the section 311 acute toxicity criterion when discharged in the environment.

Comments

This proposed action affects the designation of only two of the 299 hazardous substances. Because the issues concerning designation have been fully ventilated in previous comment periods, the Agency has determined that a comment period of thirty (30) days will be sufficient to address the issues raised in this proposed action.

Date: August 20, 1979.

Douglas M. Costle,
Administrator.

PART 116—DESIGNATION OF HAZARDOUS SUBSTANCES

Part 116 is amended as follows:

1. Delete from § 116.4, Table 116.4A, the term Calcium hydroxide, CAS No. 1305620, Lime, hydrated, slaked lime, Calcium hydrate.
2. Delete from § 116.4, Table 116.4A, the term Calcium hydroxide, CAS No. 1305788, Lime, quicklime.
3. Delete from § 116.4, Table 116.4B, CAS No. 1305620, Calcium hydroxide.
4. Delete from § 116.4, Table 116.4B, CAS No. 1305788, Calcium oxide.

PART 117—DETERMINATION OF REPORTABLE QUANTITIES

Part 117 is amended as follows:

1. Delete from § 117.3, Table 117.3, the term Calcium hydroxide, Category D, RQ in pounds (kilograms), 5,000 (2270).
2. Delete from § 117.3, Table 117.3, the term Calcium oxide Category D, RQ in pounds (kilograms), 5,000 (2270).

[FR Doc. 79-26757 Filed 8-28-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

DEPARTMENT OF TRANSPORTATION

Coast Guard

[FRL 1305-3]

Memorandum of Understanding Between the Environmental Protection Agency and the U.S. Coast Guard Concerning the Assessment of Civil Penalties for Discharges of Oil and Designated Hazardous Substances

The United States Environmental Protection Agency (EPA) and the United States Coast Guard (USCG) have determined that it is necessary to establish procedures pursuant to which decisions may be made:

(1) Whether a discharge of a designated hazardous substance is excluded from the application of the civil penalty procedures prescribed by section 311(b)(6) of the Clean Water Act (CWA); and

(2) Whether action will be taken under paragraph (A) or under paragraph (B) of section 311(b)(6) CWA to impose a penalty for the discharge of a designated hazardous substance not so excluded.

The EPA and the USCG agree that decisions as to whether a discharge of a designated hazardous substance is excluded from the application of section 311(b)(6) CWA will be made initially by the EPA in cases evidencing particular potential violation gravity, *i.e.*, meeting criteria set out in section III of this memorandum. In all other cases the decision will be made initially by the agency providing the On Scene Coordinator to the discharge incident. When a decision is made that a discharge is excluded, penalty action under section 311(b)(6) CWA will be withheld.

The EPA and the USCG agree that decisions as to whether action will be initiated to impose civil penalties under paragraph (B) of section 311(b)(6) CWA, will be made by the EPA. Cases involving USCG responses, which evidence particular potential violation gravity, *i.e.*, meeting criteria set out in section III of this memorandum, will be transmitted to the EPA for its consideration. In all cases where EPA determines that it is appropriate to initiate civil penalty action under paragraph (B) of section 311(b)(6) CWA, the USCG will withhold the initiation of civil penalty action under paragraph (A) of section 311(b)(6) CWA.

This memorandum establishes

policies, procedures, and guidelines concerning the responsibilities of the EPA and the USCG in carrying out the foregoing agreement.

The respective responsibilities of each agency specified in this memorandum may be delegated to their respective subordinates consistent with established procedures.

The EPA and the USCG will review the implementation of this memorandum at least one year from the effective date of 40 CFR Part 117 or sooner if agreed to by both agencies, and will make any changes to the policy, procedures, and guidelines set forth herein which are agreed to by both agencies.

Section 1—General

The amendment of 2 November 1978 to section 311 CWA (Pub. L. 95-576) excluded certain discharges of hazardous substances from the application of section 311(b)(6) CWA. The discharges so excluded are: (a) discharges in compliance with a section 402 CWA permit, (b) discharges resulting from circumstances identified and reviewed and made a part of the public record with respect to a permit issued or modified under section 402 CWA, and subject to a condition in such permit, and (c) continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 CWA, which are caused by events occurring within the scope of relevant operating or treatment systems.

In addition, this amendment created two methods for penalizing discharges of hazardous substances. The first, which already existed as section 311(b)(6) CWA prior to the amendment, authorizes the USCG to assess a civil penalty not to exceed \$5,000 for the discharge of oil or a designated hazardous substance (section 311(b)(6)(A)). The second method, created by the new amendment, provides that the EPA, through the Department of Justice, may initiate a civil action in Federal district court for penalties not to exceed \$50,000 per spill of hazardous substance, unless such discharge is the result of willful negligence or willful misconduct, in which case the penalty shall not exceed \$250,000 (section 311(b)(6)(B)).

The legislative history accompanying the amendment makes clear that Congress intended to create a dual option system for penalizing discharges of hazardous substances under section 311(b)(6) CWA. A discharger of a designated hazardous substance can be penalized under paragraph (A) or paragraph (B), but not both. The EPA

and the USCG agree that paragraph (B) does not apply to oil discharges. The USCG will continue to assess oil discharge penalties administratively under paragraph (A).

Section II—Coordination

When a spill of a designated hazardous substance occurs, the On Scene Coordinator (OSC) will prepare a factual report of the incident. At the minimum, the report will address those criteria set forth in section III, of this memorandum.

The OSC will submit this report within 60 days of the spill incident. The OSC will submit the report to the District Commander when he is a USCG OSC, and to the Regional Administrator, when he is an EPA OSC.

When the District Commander reviews the USCG OSC's report and determines that one or more of the criteria set forth in section III, below is applicable to that case, the entire record of that case will be referred to the EPA Regional Administrator for review. In addition the District Commander will refer the entire record of:

(a) Any other case involving a discharge of a designated hazardous substance from a point source subject to a section 402 permit or permit application, which, prior to or after the commencement of penalty action, the USCG determines is excluded from the application of section 311(b)(6) CWA; and

(b) Any other case which, the District Commander considers appropriate for possible application of section 311(b)(6)(B) CWA.

When the Regional Administrator receives a case, either from an EPA OSC or upon referral from the District Commander, he will determine:

(a) Whether the case is excluded from the application of section 311(b)(6) CWA, and, if not,

(b) Whether a civil penalty action under section 311(b)(6)(B) CWA will be initiated.

The Regional Administrator will make these determinations within 90 days of his receipt of referral documents and will notify the District Commander promptly of the determinations in cases which have been referred. If the Regional Administrator determines that an action under section 311(b)(6)(B) CWA will be initiated, the case will be prepared in the EPA Regional Office and forwarded to the Department of Justice (DOJ) in accordance with established EPA case referral procedures.

If the Regional Administrator determines that the discharge is not excluded from the application of section

311(b)(6) CWA and that paragraph (B) action is inappropriate, or if EPA Headquarters declines to refer a Regional case, EPA will return the case to the USCG for appropriate action under paragraph (A).

Upon request, each Agency will make available to the other any or all cases, files, and records, including OSC reports and official determinations, regarding decisions concerning exclusions or the imposition of section 311(b)(6)(A) or (B) penalties. Where there is disagreement as to the disposition of a particular case, the District Commander and the Regional Administrator will consult to resolve the matter. If necessary, the matter will be submitted to the respective Agency Headquarters for final resolution.

Section III—Criteria

The USCG and the EPA agree that if one or more of the following criteria exists, the District Commander will refer

the case to the Regional Administrator in accordance with section II of this memorandum:

a. Any indication of misconduct or lack of reasonable care on the part of the owner, operator, or person in charge with respect to the discharge or with respect to the failure on the part of the owner, operator, or person in charge to adhere to the guidance of the OSC regarding clean-up or any policies, procedures, guidelines, or regulations applicable to clean-up;

b. Any discharge incident other than a threat for which payments are made or to be made from the section 311(k) fund pursuant to 33 CFR 153.407, except where no discharge has been identified;

c. Any indication of prior violations by the discharger of any provision of the CWA, or violations of provisions of the CWA other than section 311(b)(6) CWA occurring at the time of the discharge, such as violations of a section 402 permit;

d. Any discharge incident (other than a threat) as defined in 40 CFR 1510.5 (l) which requires activation (by full or limited assembly, or by telephone) of the Regional Response Team as required by 40 CFR 1510.34(d), as amended; and

e. Any discharge involving human injury or evacuation, damage to plant or animal life, or contamination of water supply or underground aquifers.

Other referrals to the EPA may be made on a discretionary basis.

Dated: August 15, 1979.

Marvin B. Durning,

*Assistant Administrator for Enforcement,
United States Environmental Protection
Agency.*

Dated: August 17, 1979.

R. H. Searborough,

*Acting Commandant, United States Coast
Guard.*

[FR Doc. 79-26758 Filed 8-28-79; 8:45 am]

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Test Report Federal Register

Wednesday
August 29, 1979

Part IV

Department of Energy

Weatherization Assistance For Low-
Income Persons

DEPARTMENT OF ENERGY

10 CFR Part 440

[Docket No. CAS-RM-79-503]

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: This notice of final rulemaking amends the regulations of the Department of Energy for the program of weatherization assistance for low-income persons to carry out the requirements of Section 231(b)(1) of the National Energy Conservation Policy Act, Pub. L. 95-619, 92 Stat. 3224 *et seq.* These changes revise and simplify the approach to weatherization required by Project Retro-Tech, a four volume conservation paper issued by the Department of Energy. The changes require a State to develop, as part of a State plan, a list of weatherization measures, by building type, ranked in order of cost-effectiveness. Upon approval by the DOE Regional Representative, a State is required to include the list in copies of Project Retro-Tech to be used by program operators in the State.

Project Retro-Tech has been revised to provide a calculation method for the evaluation of the cost-effectiveness of weatherization measures. Program operators are required to use either the list developed by the State to determine which measures to use to weatherize a dwelling unit or to complete the Project Retro-Tech calculation method for a dwelling unit. The regulation also amends the administrative provisions to require grantees to comply with the DOE Assistance Regulations, 10 CFR Part 600.

To facilitate use of a current version of the program regulations, a copy incorporating all revisions made to date is provided later in this notice.

EFFECTIVE DATE: November 27, 1979.

FOR FURTHER INFORMATION:

Mary M. Bell, Director, Office of Weatherization Assistance, Department of Energy, Room 4121, 20 Massachusetts Avenue NW., Washington D.C. 20585, (202) 376-9481.

Richard F. Kessler, Office of General Counsel, Department of Energy, Room 3228, 20 Massachusetts Avenue NW., Washington, D.C. 20585, (202) 376-4543.

SUPPLEMENTARY INFORMATION:

- I. Introduction.
- II. Discussion of Comments and Changes.
 - A. Set of Procedures.
 - B. Prioritizing the Measures.
 1. State Selection Measures.
 2. Role of the Program Operator.
 3. Alternative Procedure.
 - C. The Project Retro-Tech Job Book.
 1. The Calculation Process.

2. Weatherization Measures Considered.
 - D. Coordination with Federal Agencies.
 - E. Coordination with the DOE Residential Conservation Services Program.
- III. Comments Beyond the Scope of this Rulemaking.
- IV. Environmental and Other Review.

I. Introduction

The Department of Energy ("DOE") administers a State grant program of weatherization assistance for low-income persons under the Energy Conservation in Existing Buildings Act of 1976 ("Act"), 42 U.S.C. 6851 *et seq.*

The changes contained in this issuance amend the regulations for the program, 10 CFR Part 440, to meet certain requirements of Section 231(b)(1) of the National Energy Conservation Policy Act ("NECPA"), 92 Stat. 3224 *et seq.* On May 24, 1979, DOE issued a Final Rulemaking in the **Federal Register**, 44 FR 31570 (May 31, 1979), making changes to accommodate all NECPA amendments to the Act except section 231(b)(1).

On April 6, 1979, DOE issued a Notice of Proposed Rulemaking, 44 FR 22608 (April 16, 1979), to respond to the NECPA's provisions concerning a set of procedures for determining the optimum set of cost-effective measures, within the cost guidelines of the program, for weatherizing each dwelling unit under the program.

Today's final rule is in response to the requirements of section 231(b)(1) of NECPA to develop such "a set of procedures." DOE is amending § 440.14(b) to require a State, as part of the State weatherization program plan, to develop, by building type, a list of weatherization measures ranked in order of cost-effectiveness. DOE further amends § 440.15(a) to require a State to develop and publish procedures to assure that program operators are provided with suitable copies of the list. To accomplish this, DOE has revised the four volumes which comprise Project Retro-Tech. The procedure to be followed by a State to evaluate cost-effectiveness is contained in the revised Job Book, one of the four volumes. Project Retro-Tech may be obtained by contacting the following DOE Regional personnel:

Region I

Edward Finigan, Department of Energy, 150 Causeway Street, Room 700, Boston, Massachusetts 02114.

Region II

Barbara Merritt Butler, Department of Energy, 26 Federal Plaza, Room 3206, New York, New York 10007.

Region III

Rollie Clifton, Department of Energy, 1421 Cherry Street, Philadelphia, Pennsylvania 19102.

Region IV

Ron Easton, Department of Energy, 1655 Peachtree Street, NE., Atlanta, Georgia 30309

Region V

Tom Sanders, Department of Energy, 175 West Jackson Boulevard, Room A-333, Chicago, Illinois 60604.

Region VI

Chuck Royston, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

Region VII

Beatrice Chabie, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106.

Region VIII

Tom Stroud, Department of Energy, P.O. Box 26247, Belmar Branch, Lakewood, Colorado 80226.

Region IX

Fred King, Department of Energy, 111 Pine Street, 4th Floor, San Francisco, California 94111.

Region X

Tom Haller, Department of Energy, 1923 Federal Building, Seattle, Washington 98174.

Or:

Mary M. Bell, Director, Office of Weatherization Assistance, Department of Energy, 20 Massachusetts Avenue, NW., Washington, D.C. 20585.

II. Discussion of Comments and Changes

DOE received 27 comments on the proposed amendments during and after the 30-day comment period, in addition to the testimony of four speakers at the public hearing held on April 30, 1979. Consideration of these comments resulted in certain changes in the final rule which are discussed below.

A. Set of Procedures.—Section 231(b)(1) of NECPA requires DOE to promulgate procedures to determine the optimum set of cost-effective weatherization measures to be installed in each dwelling unit. These procedures are to be applied to each dwelling unit, be within cost guidelines, 10 CFR 440.16, for the weatherization program, and take into consideration the following factors: (1) The cost of weatherization materials (2) variation in climate and (3) the value of energy saved by application of the weatherization material. The changes to Project Retro-Tech are designed to reflect the requirements of Section 231(b)(1) of NECPA and to simplify the procedures for identifying cost-effective measures for particular dwelling units.

Under Project Retro-Tech prior to today's changes, the program operator completed a 12-page data questionnaire and analysis for each dwelling unit weatherized. Today's rule modifies this procedure. Under § 440.14(b)(3), the State, as part of the State plan, calculates the cost-effectiveness of weatherization measures and ranks them by priority for different types of dwelling units by using the procedures and tables in the revised Job Book. The State will select standard types of dwelling units representative of the types of units to be weatherized under the State plan. The State will also determine the fuel prices and installation costs to be used in the calculation. The Job Book identifies specific weatherization measures for evaluation. However, the State may evaluate other weatherization measures if it chooses to do so. A list of weatherization measures ranked in order of cost-effectiveness is developed for each standard dwelling type and submitted to DOE for approval as part of the State plan.

In addition, § 440.15(a) requires the State to develop procedures to assure that the list of measures, after approval by the Regional Representative, is included in copies of Project Retro-Tech which are furnished by the State to subgrantees.

Twelve comments were received with respect to the set of procedures contained in proposed § 440.14(b)(3) and § 440.15(a). One commenter agreed with and supported the proposal without exception. Another disagreed with the proposal and recommended that it be abandoned. Two others expressed general disapproval of the procedures, and two recommended field testing the proposed system in advance of promulgation of this rule. The time for revision of the regulation prescribed by section 231 of NECPA does not allow time for field testing, and DOE believes the absence of field testing will not prove harmful. Project Retro-Tech in various forms has been used in conjunction with actual weatherization projects for over three years. The revised Project Retro-Tech which is the subject of this rule reflects the experience gained through field usage.

Another commenter feared the proposed system would not be responsive to divergent climate and building types. Based on the recommended procedure, the State in developing the prioritized measures will determine the standard building types within climate zones shown on the map included on page 12 of the Retro-Tech Job Book. Where divergent climates

exist, a State may develop a list of prioritized measures appropriate to each climate zone and standard building types within each zone. DOE believes, moreover, that high priority measures will remain relatively the same regardless of climate variations and standard building types, although lower priority items might be more sensitive to temperature changes. DOE anticipates that these differences in climate will usually not affect the priority list because the \$800 ceiling for expenditures per home will generally necessitate the application of only high priority measures.

Three commenters complained that the prescribed system would prove burdensome to local program sponsors as a result of increased paperwork. DOE believes, instead, that the revised procedures will both reduce the total amount of paperwork and transfer much of it, including the calculation function, from the local program level to the State office, unless the subgrantee elects to apply the Retro-Tech Job Book to a dwelling in lieu of using the predetermined list of prioritized measures provided by the State. Two commenters requested that adequate time be allowed (one suggested 75 days) for the transition from the current system to the one promulgated here today. DOE agrees and has provided for the rule to become effective 90 days from the date of publication in the *Federal Register*, instead of the usual 30-day period.

B. Prioritizing the Measures for Sample Homes.—1. State Selection of Measures. In order for a State to develop a prioritized list of weatherization measures, a Retro-Tech Job Book is applied to each of the typical or standard building types within the climate zone or zones of the State. The resulting recommended measures are then used in priority sequence, beginning with the most cost-effective, to develop a State's measures list. In most instances the listing of measures will not vary within the State. However, as discussed above, priorities may vary at the lower end of the list for different climates within a State (e.g. Northern and Southern California) and in that event more than one listing may be used.

2. Role of the Program Operator. The local program operator will apply the measures to an individual dwelling unit in priority sequence after an inspection to determine their appropriateness for the dwelling unit. For example, suppose the second item on the State's prioritized list is attic insulation and an inspection of the house to be

weatherized reveals that there is already adequate insulation in the attic, as determined by the State for that climate zone. The program operator omits adding further insulation and proceeds to the third item. Alternatively, a program operator may elect to apply the Retro-Tech Job Book to each dwelling unit rather than apply the State developed list of prioritized measures.

One Community Action Agency ("CAA") comments that it wants to develop its own priority listing rather than adopt one developed by the State. This option is open to local program operators if they elect to apply the Retro-Tech Job Book on a house-by-house basis in lieu of using the list of measures developed by the State. Another commenter would like to have the State seek local input in developing the priority measures list. DOE encourages the States to confer with the subgrantees in the development of State lists. The public hearing process provides an ideal forum for this exchange.

3. Alternative Procedure. In the *Federal Register* notice of proposed rulemaking, 44 FR 22608 at 22611, DOE proposed to cease to permit the use of approaches to weatherization not contained in Project Retro-Tech. This proposal would be a departure from provisions in § 440.17 permitting the DOE Regional Representative to approve for use, upon the written request of a grantee, any other approach which is judged equal to or exceeding Project Retro-Tech. Fifteen commenters strongly urged DOE to retain this provision. Many of the commenters wanted to continue to use alternate approaches which were approved by DOE and already in place. In a few cases, commenters noted they were in the midst of developing an alternative system, an undertaking representing significant time, effort and expense, which could not be used under the proposed revision.

DOE is required by NECPA to develop "a set of procedures to determine the optimum set of cost-effective measures" to be used as a uniform approach for weatherization programs conducted by DOE, the Community Services Administration ("CSA") and the Farmers Home Administration ("FmHA"). Based upon program experience and coordination with other agencies involved, DOE believes that Project Retro-Tech as revised meets the statutory requirements of NECPA and incorporates sufficient flexibility for weatherization activities in general and to tailor the program to fit conditions at the State and local levels. Accordingly,

DOE has decided to require exclusive use of the Project Retro-Tech approaches to weatherization.

Technical Note: Section 440.17 was cited in the proposal as § 420.17 and § 420.7. Moreover, the final rule published on May 31, 1979, contained a technical error in not deleting § 440.17(b) and making related conforming changes. Today's notice corrects this technical error and also deletes provisions in § 440.17 regarding approaches to weatherization inconsistent with Project Retro-Tech.

C. The Project Retro-Tech Job Book.—The majority of the comments received addressed the Retro-Tech Job Book (including the Building Check and Job Order Sheet). As discussed below, certain changes have been made in this document as a result of comments received.

Six comments addressed in various ways the design of the format contained in the job book and particularly in the section called the "Building Check and Job Order Sheet." Some wanted it to be expanded and others contracted. Several complained of duplication of information required on other program forms. DOE believes that the format is appropriate for use at this time. However, field experience gained from use of this document in succeeding months will undoubtedly result in future format changes.

1. The Calculation Process. Three comments indicated uncertainty concerning how to handle retrofit measures other than those addressed directly in the Project Retro-Tech Job Book. If a State wishes to consider an item not specifically analyzed in the Job Book (e.g., storm doors), the job book methodology may be applied to determine the item's relative priority in the list of measures developed. It is important to note, however, that only measures defined in § 440.3 which meet the standards prescribed in Appendix A may be purchased for the program.

Another commenter requested that the procedure prescribed give specific attention to reducing energy demands arising from the use of air conditioning. While air conditioning is not found to be a priority consideration in the program nationally, DOE agrees that it may be important in some sections of the country. DOE will, therefore, continue to consider the need to reduce air-conditioning loads and may deal with this issue in a future rulemaking.

Three comments were received requesting clarification of the term "standard dwelling types." Specific terms such as "colonial" were found to be either inappropriate or confusing. DOE recognizes that standard dwelling types vary throughout the country, and,

for this reason, each State is required to determine its own standard types based on local housing stock.

Six comments were directed to the sections on ceilings. Two commenters objected to the inclusion of roof deck materials in the calculation of total R-value. DOE believes its inclusion is appropriate. This approach is also used by the American Society of Heating, Refrigeration and Air-Conditioning Engineers ("ASHRAE") and the National Bureau of Standards ("NBS"), and it has been retained in the final rule.

Several commenters recommended that the sections on uninsulated and partially insulated ceilings be combined. These sections have been kept separate because of the need to prioritize weatherization measures properly. The additional insulation of a partially insulated ceiling will not save as much energy and therefore should not be ranked as high as insulating an uninsulated ceiling. However, these sections have been modified somewhat to achieve greater clarity.

One commenter stated that the values, taken from an ASHRAE source for R-values on page 9 of the job book were incorrect. The values are generally accepted values currently used in text books and other reference materials. The same commenter states that the information in the ASHRAE Guide and Data Book is more than 12 years old, the implication being that the figures are out of date. However, the data is considered timely by many professionals as evidenced by its inclusion in current references and texts.

One commenter stated that no weatherization measure with a ratio of less than one (value cost) should be placed on the prioritized list. While DOE agrees with the spirit of the comment, it appears unnecessary because of the limited funds available for expenditure on any given home, it is unlikely that any such measure would be employed by a State or program operator.

One commenter contends that the Job Book needs to be applied to each dwelling unit if heat savings are to be calculated. DOE believes such an approach would not be cost-effective. A statewide list of priority items will generally provide the optimum set of cost-effective measures. A house-by-house calculation is not required by Project Retro-Tech unless the house to be weatherized does not fit the "standard type" evaluated by the State or the local program operator elects to apply the Job Book to every house.

One commenter disagrees with the contention that the size of a house does not affect the list of measures produced by using the Retro-Tech Job Book. Size

does not affect the priority of the measures which is the object of this procedure, but it does affect how many items on the list can be performed within the \$800 per dwelling unit ceiling. For instance, the available funds could be exhausted for the first two measures leaving other necessary measures untouched. In this connection, another comment received addresses this very issue by recommending a "comfort zone concept" as a new approach to weatherization. Under this concept, only a portion of a large home is retrofitted as a living area and maintained at a comfort level. DOE intends to consider this "comfort zone concept" further to determine whether it may be appropriate as a means of weatherizing large homes. DOE believes that the low-income elderly may frequently occupy such homes.

One commenter voiced his disapproval of the District Heating Factor used in Project Retro-Tech, favoring the use of heating degree days. The District Heating Factor is the result of dividing heating degree days by 4000. Project Retro-Tech retains use of the District Heating Factor because it simplifies the arithmetic necessary to perform the heating degree day calculations.

Three commenters addressed the term "installation factor." One inquired as to the purpose of the information, another said it was too difficult to calculate and the other recommended that a single national installation factor be established.

The comments received in this area indicated that more questions must be answered before an installation factor is prescribed for mandatory use. Rather than delay the program which would deny the benefits of weatherization assistance to those in need now, an optional labor cost factor has been substituted which the State may use, at its discretion, if appropriate. DOE will consider the use of a required installation factor at a future time based on experience gained through use of the current system. Accordingly, the column on the Summary Table for Priority Rating previously titled "Installation Factor" has been redesignated "Labor Cost to Install (If Appropriate)."

Finally one commenter strongly urged DOE to require a safety inspection of each attic before insulating to guard against potential hazards, particularly those of an electrical nature. Because of its concern for safety, DOE has already issued policy guidance on this subject to its Regional Offices and Program grantees.

2. Weatherization Measures Considered. Three comments related to

the insulation of floors, perimeters, crawl spaces and basements. The comments contended that the approach to insulation was inadequate, the calculations to compute the cost/benefit of insulation too complex, and the recommended minimum of R-4 insulation for perimeters inappropriate. While analysis of these weatherization measures in the Job Book could be either more or less sophisticated and complex than proposed, DOE agrees with the recommendation of NBS and other participants in the process leading to the development of the Job Book that a simple and workable approach was imperative. DOE believes the proposal represents such an approach and is retaining it as proposed. With regard to insulation with an R-value of 4, DOE's experience indicated it to be a standard value for duct insulation, readily available and well-suited for use in unheated areas.

Ten comments addressed the insulation and priority given to retrofitting hot water heaters. Some commenters felt it was not cost-effective, some that it was very cost-effective and several pointed to potential hazards in the retrofit of gas or oil-fired hot water heaters. DOE recommends insulating only electric hot water heaters in the Retro-Tech Job Book for two reasons. First, the generally higher operating cost of an electric water heater provides significant cost savings from retrofitting. Secondly, both gas and oil-fired water heaters need combustion air, and improper installation of insulation on such units could pose potential safety hazards. One commenter calculated the cost of retrofitting a hot water heater at \$65 for the insulation kit and the labor to install it. DOE's own analysis, however, indicates that the average cost of kits is closer to \$17, and many local programs presently make their own jackets of fiber glass insulation for less.

Another commenter stated that there is a possible policy conflict in recommending the retrofit of hot water heaters but not the installation of clock thermostats. Clock thermostats are eligible under the program but are not considered a high priority item because installation does not necessarily achieve permanent heat savings. The setting of the clock thermostat may be changed by the occupant of the dwelling therefore eliminating the savings projected. The retrofit of a hot water heater, by way of contrast, provides heat savings not dependent upon actions taken by occupants.

One commenter feels the heat savings from the application of storm windows

is overrated, and another recommends the use of "inside" storm windows. DOE does not agree with the first comment because the approach utilized is based on standard procedures widely applied, and no convincing information has been produced which would justify a change. The use of inside storm windows, while not specifically addressed in the Job Book, is permissible as a weatherization measure if such windows meet the standards prescribed in Appendix A.

Three of the comments received addressed the use of weatherstripping. One recommended weatherstripping all primary windows not receiving storm windows. This is considered in the General Heat Waste Section. Another recommends weatherstripping storm windows as well. While there is no specific prohibition against it, DOE cannot agree with this recommendation because it would not be cost-effectively used in addition to a properly installed storm window. The third comment addressed the weatherstripping of the attic hatch even if insulation is placed on the upper side. Because this measure acts to reduce infiltration, DOE agrees with the commenter, and the measure has been included in the Job Book.

D. Coordination with Federal Agencies.—DOE has coordinated this final rule with the Secretary of Housing and Urban Development, Secretary of Health, Education and Welfare, the Secretary of Agriculture, the Director of NBS and the Director of CSA.

E. Coordination with the DOE Residential Conservation Service Program.—In the proposed rulemaking, DOE specifically requested comments on how best to accomplish coordination between the weatherization program and DOE's Residential Conservation Service (RCS) Program.

Four comments were received suggesting what the coordination might consist of and how it could be handled. They ranged from keeping the programs "distinctly separate" to advising that the RCS program provide audit services for the weatherization program. One utility commented that utilities should not get too involved with the weatherization program; particularly in the case of multi-unit dwellings. A State took the position that the most effective coordination would be accomplished at regional (DOE), State and local levels including mutual participation in meetings, training sessions and the like, and that such coordination should be actively encouraged by DOE through joint regional level cooperative agreements and activities. DOE agrees that coordination between the two programs is essential and that it must take steps to foster communication

between the States and DOE regions and headquarters offices. Both RCS and weatherization program staff are meeting to determine how coordination between the programs can best be accomplished. It is anticipated that a coordination process will be developed in the near future.

III. Comments Beyond the Scope of this Rulemaking

DOE received several comments which did not address the proposed rulemaking—

A. Weatherization Materials.—One request was received to add polystyrene rigid board insulation to the list of eligible materials for use in the weatherization program. This product is already an eligible material but the likelihood of its being used is small because of the limitation on expenditures per dwelling unit effectively precludes its use in most cases.

B. Labor and Travel Funds.—Two comments were addressed to the need for sufficient resources to provide program labor, including training, in addition to additional travel funds to monitor the program at the grantee level. Resource requirements are not the subject of today's rule and have been discussed at length in two recent amendments to the program regulations published in the *Federal Register* on January 2, 1979, 44 FR 31 and on May 31, 1979, 44 FR 31570.

C. Broader Issues.—One commenter expressed a need for a communications network for addressing the energy needs of the poor, a second said that consumer education on saving energy was more important than prioritizing weatherization measures, a third recommended the addition of "window quilts" to the list of measures eligible under the program and a fourth offered a variety of general energy conservation techniques outside the scope of housing retrofit. While each of these concerns and suggestions has merit, they are not within the scope of this issuance and may be considered in future rulemakings.

IV. Environmental and Other Reviews

The environmental impacts associated with the implementation of the weatherization program as amended by NECPA were analyzed in a programmatic environmental assessment ("EA"). Notice of the public availability of the EA and of DOE's negative determination, based on that EA that the program regulations including the amendments promulgated by this rule did not constitute a major Federal action significantly affecting the

quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 *et seq.*, was published in the Federal Register on April 10, 1979, 44 FR 21323. That notice solicited comments on the EA and DOE's negative determination. No comments have been received to date. Accordingly, DOE reaffirms its negative determination, but, at the same time, re-emphasizes the commitment made in the EA that appropriate environmental evaluation will be made on a site-specific basis.

This rule was developed in accordance with Executive Order 12044, "Improving Government Regulations." Receipt and analysis of public comment occurred for a period in excess of 30 days, and a regulatory analysis was determined not to be necessary.

This rulemaking has been reviewed in accordance with DOE Order 2030 which sets forth procedures for implementing Executive Order 12044, 43 FR 1266 (May 1, 1978). Under these procedures, DOE has determined that the rulemaking is "significant" but not "major" and therefore does not require regulatory analysis. The anticipated effects of the rule would be primarily to simplify program procedures. None of the substantive changes taken individually or collectively is expected to have major economic impacts requiring regulatory analysis.

A public comment period of 30-days was provided after the publication of the proposed rulemaking. The Deputy Secretary waived the requirement for a 60-day comment period to avoid a substantial delay of DOE's ability to put into operation changes mandated by NECPA, which are important to the program's operation, such as the revisions to Project Retro-Tech.

(Energy Conservation in Existing Buildings Act of 1976, as amended, 42 U.S.C. 6851 *et seq.*; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*)

In consideration of the foregoing, Part 440 of Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below, effective November 27, 1979.

Issued in Washington, D.C., August 21, 1979.

Omi G. Walden,

Assistant Secretary, Conservation and Solar Applications, Department of Energy.

A compilation of current regulations for the weatherization program, current through amendments issued on August 29, 1979, including this amendment is reproduced below to assist individuals involved in the program and also to

assist those seeking information about it.

PART 440—WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS

Sec.

- 440.1 Purpose and scope.
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Appendix A.—Standards for Weatherization Materials.

Authority.—Energy Conservation in Existing Buildings Act of 1976, as amended, 42 U.S.C. 6851 *et seq.*; Department of Energy Organization Act, 42 U.S.C. 1701 *et seq.*

§ 440.1 Purpose and scope.

This part contains the regulations adopted by the Department of Energy to carry out a program of weatherization assistance for low-income persons established by Part A of the Energy Conservation in Existing Buildings Act of 1976, 42 U.S.C. 6861 *et seq.*, enacted as Title IV of the Energy Conservation and Production Act, Pub. L. 94-385, 90 Stat. 1125 *et seq.*, and amended by Title II, Part 2, of the National Energy Conservation Policy Act, Pub. L. 95-619, 92 Stat. 3206 *et seq.*

§ 440.2 Administration of grants.

(a) Grant awards under this part shall be administered in accordance with the following—

(1) Federal Management Circular 73-2, 34 CFR Part 251, entitled "Audit on Federal Operations and Programs by Executive Branch Agencies;"

(2) Federal Management Circular 74-4, 34 CFR Part 256 entitled "Cost Principles Applicable to Grants and Contracts with State and Local Governments;"

(3) Federal Management Circular 74-7, 34 CFR Part 256, entitled "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments;"

(4) Office of Management and Budget Circular A-89, entitled "Catalog of Federal Domestic Assistance;"

(5) Office of Management and Budget Circular A-95, entitled "Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects;"

(6) Office of Management and Budget Circular A-97, entitled "Rules and Regulations Permitting Federal Agencies to

Provide Specialized or Technical Services to State and Local Units of Government under Title III of the Intergovernmental Coordination Act of 1968;"

(7) Treasury Circular 1082, entitled "Notification to States of Grant-in-Aid Information;"

(8) DOE Assistance Regulations (10 CFR Part 600); and

(9) Such procedures applicable to this part as DOE may from time to time prescribe for the administration of grants.

(b) Tools and equipment acquired with grant funds provided under this part shall be the property of the grantee, as more particularly provided for by paragraph (a)(3) of this section.

§ 440.3 Definitions.

As used in this part—

"Act" means the Energy Conservation in Existing Buildings Act of 1976, as amended, 42 U.S.C. 6851 *et seq.*

"CAA" means a Community Action Agency.

"CETA" means the Comprehensive Employment and Training Act of 1973, 42 U.S.C. 2781 *et seq.*

"Community Action Agency" means a private corporation or public agency established pursuant to the Economic Opportunity Act of 1964, Pub. L. 88-452, which is authorized to administer funds received from Federal, State, local or private funding entities to assess, design, operate, finance and oversee antipoverty programs.

"Cooling degree days" means a population-weighted annual average of the climatological cooling degree days for each weather station within a State, as determined by DOE.

"Director" means the Director of the Community Services Administration.

"DOE" means the Department of Energy.

"Dwelling unit" means a house, including a stationary mobile home, an apartment, a group of rooms, or a single room occupied as separate living quarters.

"Elderly Person" means a person who is 60 years of age or older.

"Eligible State" means any of the forty-eight contiguous States, Alaska, or the District of Columbia.

"Family unit" means all persons living together in a dwelling unit.

"Governor" means the chief executive officer of a State, including the Mayor of the District of Columbia.

"Grantee" means the State or other entity named in the Notification of Grant Award as the recipient.

"Handicapped person" means any individual (1) who is a handicapped individual as defined in section 7(6) of the Rehabilitation Act of 1973, (2) who is under a disability as defined in section 1614(a)(3)(A) or 223(d)(1) of the Social Security Act or in section 102(7) of the Developmental Disabilities Services and Facilities Construction Act, or (3) who is receiving benefits under chapter 11 or 15 of Title 38, United States Code.

"Heating degree days" means a population-weighted seasonal average of the climatological heating degree days for each weather station within a State, as determined by DOE.

"Indian tribe" means any tribe, band, nation or other organized group or community or Native Americans, including any Alaska native village, or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, Pub. L. 92-203, 85 Stat. 688, which (1) is recognized as eligible for the special programs and services provided by the United States to Native Americans because of their status as Native Americans; or (2) is located on, or in proximity to a Federal or State reservation or rancheria.

"Local applicant" means a CAA or unit of general purpose local government.

"Low income" means that income relation to family size which—

(1) Is at or below 125 percent of the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget, except that the Secretary may establish a higher level if the Secretary, after consulting with the Secretary of Agriculture and the Director of the Community Services Administration, determines that such a higher level is necessary to carry out the purposes of this part and is consistent with the eligibility criteria established for the weatherization program under section 222(a)(12) of the Economic Opportunity Act of 1964; or
(2) Is the basis on which cash assistance payments, have been paid during the preceding 12-month period under Titles IV and XVI of the Social Security Act or applicable State or local law.

"Native American" means a person who is a member of an Indian tribe.

"Number of low-income, owner-occupied dwelling units in the State" means the number of such dwelling units in a State, as determined by DOE.

"Number of low-income, renter-occupied dwelling units in the State" means the number of such dwelling units in a State, as determined by DOE.

"Percentage of total residential energy used for space cooling" means the national percentage of total energy used for space cooling, as determined by DOE.

"Percentage of total residential energy used for space heating" means the national percentage of total energy used for space heating, as determined by DOE.

"Regional Representative" means a Regional Representative of DOE.

"Rental dwelling unit" means a dwelling unit occupied by a person who pays rent for the use of the dwelling unit.

"Repair materials" means items necessary for the effective performance or preservation of weatherization materials. Repair materials include, but are not limited to lumber used to frame or repair windows and doors which could not otherwise be caulked or weatherstripped, and protective materials, such as paint, used to seal materials installed under this program.

"Secretary" means the Secretary of the Department of Energy.

"Separate living quarters" means living quarters in which the occupants do not live and eat with any other persons in the structure and which have either (1) direct access from the outside of the building or through a common hall, or (2) complete kitchen facilities for the exclusive use of the occupants. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements.

"Single-family dwelling unit" means a structure containing no more than one dwelling unit.

"Skirting" means material used to border the bottom of a dwelling unit to prevent infiltration.

"State" means each of the states and the District of Columbia.

"Sub-grantee" means a weatherization project which receives a grant of funds awarded under this part from a grantee.

"Tribal organization" means the recognized governing body of any Indian tribe, or any legally established organization of Native Americans which is controlled, sanctioned, or chartered by such governing body.

"Unit of general purpose local government" means any city, county, town, parish, village, or other general purpose political subdivision of a State.

"Weatherization materials" means—

(1) Caulking and weatherstripping of doors and windows;

(2) Furnace efficiency modifications limited to—

(i) Replacement burners designed to substantially increase the energy efficiency of the heating system;

(ii) Devices for modifying flue openings which will increase the energy efficiency of the heating system; and

(iii) Electrical or mechanical furnace ignition systems which replace standing gas pilot lights;

(3) Clock thermostats;

(4) Ceiling, attic, wall, floor, and duct insulation;

(5) Water heater insulation;

(6) Storm windows and doors, multiglazed windows and doors, heat-absorbing or heat-reflective window and door materials; and

(7) The following insulating or energy conserving devices or technologies—

(i) Skirting;

(ii) Items to improve attic ventilation;

(iii) Vapor barriers; and

(iv) Materials used as a patch to reduce infiltration through the building envelope.

§ 440.10 Allocation of funds.

(a) DOE shall provide financial assistance, from sums appropriated for any fiscal year, only upon annual application.

(b) DOE shall determine the allocation for each State from available funds as follows—

(1) The first five million dollars appropriated shall be divided equally among the eligible States; an additional one hundred thousand dollars shall be allocated to Alaska.

(2) The percentage of the remaining available funds allocated to each eligible State shall be determined by the following formula—

(i) The square of the number of heating degree-days in a State multiplied by the percentage of total residential energy used for space heating;

(ii) Plus the square of the number of cooling degree-days in the State multiplied by the percentage of total residential energy used for space cooling;

(iii) Multiplied by the sum of the number of low-income, owner-occupied dwelling units in the State and one-half of the number of low-income, renter-occupied dwelling units in the State;

(iv) Divided by the sum of the result produced for all States by the computation outlined in subparagraphs (2)(i), (ii), and (iii) of this paragraph; and

(v) Multiplied by 100.

(c) The Secretary shall notify each eligible State of the amount of grant funds for which that State is eligible to apply.

§ 440.11 Native Americans.

(a) Notwithstanding any other provision of this part, the Regional Representative may determine, after taking into account the amount of funds made available to a State to carry out the purposes of this part, that—

(1) The low-income members of an Indian tribe are not receiving benefits under this part equivalent to the assistance provided to other low-income persons in the State under this part, and

(2) The members of such tribe would be better served by means of a grant made directly to provide such assistance.

(b) In any State for which the Regional Representative shall have made the determination referred to in paragraph (a) of this section, the Regional Representative shall reserve from the sums that would otherwise be allocated to the State under this part not less than 100 percent, nor more than 150 percent, of an amount which bears the same ratio to the State's allocation for the fiscal year involved as the population of all low-income Native Americans for whom a determination under paragraph (a) of this section has been made bears to the populations of all low-income persons in the State.

(c) The Regional Representative shall make the determination prescribed in paragraph (a) of this section in the event a State shall—

(1) Not apply within the 90-day time period prescribed in § 440.14(a)(2);

(2) Recommend that direct grants be made for low-income members of an Indian tribe as provided in § 440.12(b)(10);

(3) File an application which DOE determines, in accordance with the procedures in § 440.30, not to make adequate

provision for the low-income members of an Indian tribe residing in the State, or

(4) Have received grant funds, and DOE determines, in accordance with the procedures in § 440.30, that the State has failed to implement the procedures required by § 440.15(a)(7).

(d) Any sums reserved by the Regional Representative pursuant to paragraph (b) of this section shall be granted to the tribal organization serving the individuals for whom the determination has been made, or where there is no tribal organization, to such other entity as the Regional Representative determines is able to provide adequate weatherization assistance pursuant to this part. Where the Regional Representative intends to make a grant to an organization to perform services benefiting more than one Indian tribe, the approval of each Indian tribe shall be a prerequisite for the issuance of a notice of grant award.

(e) Within 30 days after the Regional Representative has reserved funds pursuant to paragraph (b) of this section, the Regional Representative shall give written notice to the tribal organization or other qualified entity of the amount of funds reserved and its eligibility to apply therefor.

(f) Such tribal organization or other qualified entity shall thereafter be treated as a unit of general purpose local government eligible to apply for funds hereunder, pursuant to the provisions of § 440.13.

§ 440.12 State applications.

(a) To be eligible for financial assistance under this part, a State shall submit an application to DOE in conformity with the requirements of § 440.15 not later than 90 days after the date of publication of this part. The Regional Representative shall review each timely State application and, if the submission otherwise complies with the applicable provisions of this part, approve a final budget and issue a notice of grant award.

(b) Each application shall include—

(1) The name and address of the State agency or office responsible for administering the program;

(2) A copy of the final State plan prepared after notice and a public hearing in accordance with § 440.14(a), except that an application by a local applicant need not include a copy of the final State plan;

(3) A detailed description of the manner in which the minimum program requirements of § 440.15 will be met;

(4) The budget for total funds applied for under the Act which shall include a justification and explanation of any amounts requested for expenditure pursuant to § 440.16;

(5) The total number of dwelling units proposed to be weatherized with grant funds during the budget period for which assistance is to be awarded;

(6) A schedule for implementation which shall indicate the number of dwelling units which are expected to be weatherized by calendar quarter;

(7) An estimate of the number of single-family and multi-family dwelling units to be weatherized;

(8) An estimate of the minimum number of dwelling units to be weatherized where elderly persons reside;

(9) An estimate of the minimum number of dwelling units to be weatherized where handicapped persons reside;

(10) An estimate of the minimum number of dwelling units to be weatherized where Native Americans reside, or a recommendation that a tribal organization be treated as a local applicant eligible to submit an application pursuant to § 440.12(b);

(11) An estimate by percentage of the Federal manpower programs or other labor sources to be used in implementing each proposed weatherization project;

(12) Any determination made in accordance with § 440.14(d) not to provide funds and the reasons for such determination, except that an application by a local applicant need not include this information; and

(13) Any further information which the Secretary finds necessary to determine whether an application meets the requirements of this part.

§ 440.13 Local applications.

(a) The Regional Representative shall give written notice to all local applicants throughout a State of their eligibility to apply for financial assistance under this part in the event—

(1) A State, within which a local applicant is situated, fails to submit an application within 90 days of the publication of this part; or

(2) The Regional Representative finally disapproves the application of a State pursuant to § 440.30.

(b) To be eligible for financial assistance, a local applicant shall submit an application pursuant to § 440.12(b) to the Regional Representative within 30 days after receiving the notice referred to in paragraph (a) of this section.

(c) In the event one or more local applicants submit a timely application, the Regional Representative shall combine the hearing on the proposed plan pursuant to § 440.14(a) with a hearing on the intention to deny the timely application of one or more local applicants, as provided in § 440.30, to the maximum extent practicable. Based upon the final plan developed by the Regional Representative, the hearing and information submitted by a local applicant and other interested persons, the Regional Representative shall determine whether or not to award a grant to a local applicant and the amount thereof. The Regional Representative may provide financial assistance to a local applicant to carry out one or more weatherization projects.

§ 440.14 Administrative requirements.

(a) Before submitting an application, a State shall give not less than 10 days notice of hearing, reasonably calculated to inform prospective sub-grantees, and shall conduct one or more public hearings for the purpose of receiving comments on a proposed State plan. The proposed State plan, which shall identify and describe proposed weatherization projects including a statement of proposed sub-grantees and the amount

each will receive, shall be published and made available throughout the State prior to the hearing. The notice for the hearing shall specify that copies of the plan are available and how they may be obtained. A transcript of the hearings shall be prepared and written submission of views and data shall be accepted for the record.

(b) Subsequent to the hearing, the State shall prepare a final plan which shall identify and describe—

(1) Each area to be served by a weatherization project within the State and shall include for each area—

(i) The number of dwelling units to be weatherized;

(ii) The climatic conditions;

(iii) The type of weatherization work to be done;

(iv) The need for weatherization assistance among low-income persons;

(v) The amount of energy to be conserved;

(vi) Mechanisms for providing sources of labor;

(vii) An estimate of the number of eligible dwelling units in which the elderly reside; and

(viii) An estimate of the number of eligible dwelling units in which the handicapped reside.

(2) The manner in which the plan is to be implemented and shall include—

(i) An analysis of the existence and effectiveness of any weatherization project being carried out by a CAA;

(ii) An explanation of the method used to select each area to be served by a weatherization project;

(iii) The extent to which priority will be given to weatherization of single-family dwelling units for the elderly and handicapped;

(iv) The amount of non-Federal resources to be applied to the program;

(v) The amount of Federal resources, other than DOE weatherization grant funds, to be applied to the program;

(vi) The amount of weatherization grant funds allocated to the State under this part;

(vii) The expected average cost per dwelling to be weatherized, taking into account the total number of dwellings to be weatherized and the total amount of funds, Federal and non-Federal, expected to be applied to the program; and

(viii) The number of rental dwelling units to be weatherized by project, if any.

(3) The approach, including a list of measures to weatherize a dwelling unit, developed by the State in accordance with Project Retro-Tech, Conservation Paper Number 28, as revised July 1979, which shall be applied to each dwelling unit by a subgrantee to determine the optimum set of cost-effective measures, within the allowable expenditures prescribed in § 440.16, to be installed in such dwelling unit.

(c) The plan shall insure that funds received under the Act will be allocated to a CAA carrying out a program under Title II of the Economic Opportunity Act of 1964, 42 U.S.C. 2809, as amended, or to other appropriate and qualified entities in the State or geographical area so that—

(1) Funds will be allocated to areas on the basis of the relative need for a

weatherization project by low-income persons, taking into account the factors referred to in paragraph (b)(1) of this section; and

(2)(i) Funds allocated to a geographical area served by an emergency energy conservation program carried out by a CAA under section 222(a)(12) of the Economic Opportunity Act of 1964, shall be allocated to the CAA, and (ii) priority in the allocation of funds will be given to the CAA in so much of the geographical area served by it as is not served by the emergency energy conservation program.

(d) Paragraph (c)(2) of this section shall not apply if the Governor, or the Regional Representative acting on behalf of the Governor pursuant to § 440.13(c), determines on the basis of the public hearing provided under paragraph (a) of this section that an emergency energy conservation program carried out by a CAA—

(1) Has been ineffective in meeting the purpose of the Act; or

(2) Is clearly not of sufficient size and cannot in timely fashion develop the capacity to support the scope of the project to be carried out in the area with funds to be granted under this part.

(e) In making a determination pursuant to paragraph (d) of this section, the Governor, or the Regional Representative acting on behalf of the Governor pursuant to § 440.13(c), shall evaluate the performance of the CAA and shall consider—

(1) The extent to which the emergency energy conservation program being carried out achieves the goals of the program in a timely fashion;

(2) The quality of work performed;

(3) The number, qualifications and experience of staff members; and

(4) The ability to secure volunteers, training participants and public service employment workers, pursuant to CETA.

(f) Any eligible local applicant may request in its application that the Regional Representative determine that the allocation requirement and priority set forth in paragraph (c)(2) of this section shall not be applied. In this event, the Regional Representative shall decide whether to make the determination as part of the notice and public hearing procedure required by § 440.30, which hearing may be consolidated by the Regional Representative with the public hearing required by paragraph (a) of this section.

§ 440.15 Minimum program requirements.

(a) Prior to the expenditure of any grant funds each grantee shall develop, publish and implement procedures to insure that—

(1) No dwelling unit may be weatherized without documentation that the dwelling unit is an eligible dwelling unit as provided in § 440.18;

(2) Priority is given to identifying, and providing weatherization assistance to elderly and handicapped low-income persons and such priority as the applicant determines is appropriate is given to single-family or other, high-energy-consuming dwelling units;

(3) Financial assistance provided under this part will be used to supplement, and not supplant, State or local funds, and, to the

maximum extent practicable as determined by DOE, to increase the amounts of these funds that would be made available in the absence of Federal funds provided under this part;

(4) To the maximum extent practicable, the grantee will secure the services of volunteers, training participants and public service employment workers, pursuant to CETA, to work under the supervision of qualified supervisors and foremen;

(5) The limitations set forth in § 440.14(c) shall be complied with;

(6) To the maximum extent practicable, the use of weatherization assistance shall be coordinated with other Federal, State, local or privately funded programs in order to improve thermal efficiency and to conserve energy;

(7) The low-income members of an Indian tribe shall receive benefits equivalent to the assistance provided to other low-income persons within a State unless the grantee has made the recommendation provided in § 440.12(b)(10); and

(8) The list of measures to weatherize a dwelling unit, developed by the State in accordance with § 440.14(b)(3), after approval by the Regional Representative, is included in copies of Project Retro-Tech which are furnished by the State to subgrantees.

(b) If a grantee decides to weatherize rental dwelling units—

(1) No rental dwelling unit shall be weatherized without first obtaining the written permission of the owner of the dwelling units or his agent; and

(2) The grantee shall establish procedures to be approved by the Regional Representative to insure that—

(i) The benefits of weatherization assistance shall accrue primarily to low-income tenants;

(ii) Rents shall not be raised because of the increased value of dwelling units due solely to weatherization assistance provided under this part; and

(iii) No undue or excessive enhancement shall occur to the value of the dwelling units.

(c) Prior to the expenditure of any grant funds, a State policy advisory council shall be established by a State, or by the Regional Representative if a State does not participate in the program, which—

(1) Has special qualifications and sensitivity with respect to solving the problems of low-income persons, including the weatherization and energy conservation problems of these persons;

(2) Is broadly representative of organizations and agencies, including consumer groups, that represent low-income persons, particularly elderly and handicapped low-income persons and low-income Native Americans, in the State or geographical area in question; and

(3) Has responsibility for advising the appropriate official or agency administering the allocation of financial assistance in the State or area with respect to the development and implementation of a weatherization assistance program.

(d) No person in the United States shall, on the ground of race, color, national origin, or sex, or on the ground of any other factor specified in any Federal law prohibiting

discrimination, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program, project, or activity supported in whole or in part with financial assistance under this part. Whenever the Secretary determines that a recipient of financial assistance under this part has failed to comply with this paragraph or an applicable regulation, he shall notify the recipient to secure compliance. If within a reasonable period of time the recipient fails to comply, the Secretary shall (1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (2) exercise the power and functions provided by Title VI of the Civil Rights Act of 1964 and any other applicable Federal nondiscrimination law; or (3) take such other action as may be provided by law.

§ 440.16 Allowable expenditures.

(a) To the maximum extent practicable, the grant funds provided under this part shall be used for the purchase of weatherization materials and related matter described in paragraph (a)(1) of this section. Allowable expenditures under this part include only—

(1) A maximum of \$800 for any dwelling unit, except as provided in paragraph (d) of this section, for—

(i) The cost of purchase, delivery, and storage of weatherization materials;

(ii) The cost, determined by a grantee, which shall not exceed an average for any subgrantee of \$240 per dwelling unit, of—

(A) Transportation of weatherization materials, tools, equipment, and work crews to a storage site and to the site of weatherization work;

(B) Maintenance, operation, and insurance of vehicles used to transport weatherization materials;

(C) Maintenance of tools and equipment;

(D) Purchase or annual lease of tools, equipment, and vehicles, except that any purchase of vehicles shall be referred to DOE for prior approval in every instance; and

(E) Employment of on-site supervisory personnel; and

(iii) The cost, not to exceed \$100 per dwelling unit, of incidental repairs, including repair materials and repairs to the heating source necessary to make the installation of weatherization materials effective.

(2) The cost of liability insurance for weatherization projects for personal injury and for property damage; and

(3) Reserve; and

(4) Allowable administrative expenses under paragraph (b) of this section.

(b) Not more than 5 percent of each grant made pursuant to this part may be used for the administrative expenses of the grantee, and not more than 5 percent of each amount allocated to a sub-grantee under this part may be used for administrative expenses of the sub-grantee. Allowable administrative expenses shall not include any costs of labor to carry out a weatherization project, except for supervisors and foremen.

(c) No grant funds awarded under this part shall be used for any of the following purposes—

(1) To weatherize a dwelling unit which has been weatherized previously with grant

funds authorized under this part unless such dwelling unit has been damaged by fire, flood, or act of God and repair of the damage to weatherization materials is not paid for by insurance; or

(2) To weatherize a dwelling unit which is vacant or designated for acquisition or clearance by a Federal, State, or local program within twelve months from the date weatherization of the dwelling unit would be scheduled to be completed.

(d) The limitation of \$800 described in paragraph (a) of this section shall not apply if the State policy advisory council requests a greater amount be provided for specific categories of units or materials in the State, and the Regional Representative approves the request.

§ 440.17 Standards and techniques for weatherization.

(a) Only weatherization materials which meet or exceed standards prescribed in Appendix A shall be purchased with funds provided under this part.

(b) A weatherization project shall utilize the approaches to weatherization contained in Project Retro-Tech, Conservation Paper Number 28, as revised July 1979, including the energy conservation techniques therein.

§ 440.18 Eligible dwelling units.

No dwelling unit shall be eligible for weatherization assistance under this part unless it is occupied by a family unit—

(a) Whose income is at or below 125 percent of the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget; or

(b) Which contains a member who has received cash assistance payments under Title IV or XVI of the Social Security Act or applicable State or local law during the 12-month period preceding the determination of eligibility for weatherization assistance.

§ 440.20 Oversight, training, and technical assistance.

(a) The Secretary and the appropriate Regional Representative, in coordination with the Director, shall monitor and evaluate the operation of projects carried out by CAA's receiving financial assistance under this part through on-site inspections, or through other means, in order to insure the effective provision of weatherization assistance for the dwelling units of low-income persons.

(b) DOE shall also carry out periodic evaluations of a program and weatherization projects that are not carried out by a CAA, and that are receiving financial assistance under this part.

(c) The Secretary and the appropriate Regional Representative, the Comptroller General of the United States, and for a weatherization project carried out by a CAA, the Director or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, information, and records of any weatherization project receiving financial assistance under the Act.

(d) Each grantee shall conduct, on an annual basis, an audit of the pertinent records

of any sub-grantee receiving financial assistance under this part.

(e) The Secretary may reserve from the funds appropriated for any fiscal year an amount, not to exceed 10 percent, to provide, directly or indirectly, training and technical assistance to any grantee or sub-grantee.

§ 440.21 Recordkeeping.

Each grantee or sub-grantee receiving Federal financial assistance under this part shall keep such records as DOE shall require, including records which fully disclose the amount and disposition by each grantee and sub-grantee of the funds received, the total cost of a weatherization project or the total expenditure to implement the State plan for which such assistance was given or used, the source and amount of funds for such project or program not supplied by DOE and such other records as DOE deems necessary for an effective audit and performance evaluation. Such recordkeeping shall be in accordance with Federal Management Circular 74-7 and any further requirements of this regulation or which DOE may otherwise establish under the terms and conditions of a grant.

§ 440.22 Quarterly reports.

Each grantee receiving financial assistance under this part shall submit a quarterly program performance report and a quarterly financial report to the appropriate Regional Representative. The program performance report shall contain such information as the Secretary may prescribe in order effectively to monitor the progress of a grantee.

§ 440.30 Administrative review.

(a) If a timely application submitted by a State fails to meet the requirements of this part and the Regional Representative intends to deny the application, the Regional Representative shall return the application to the State together with a written statement of reasons therefor.

(b) The State will have a reasonable period, as determined by the Regional Representative, to amend its application and to resubmit it by a specified date for reconsideration.

(c) The Regional Representative shall give notice to the applicant in the event that the Regional Representative determines that—

(1) Any application resubmitted by a State in accordance with paragraph (b) of this section fails to comply with this regulation;

(2) Any application returned to a State pursuant to paragraph (a) of this section is not timely resubmitted as provided in, paragraph (b); or

(3) The Regional Representative intends to deny the application of a local applicant.

(d) The Regional Representative shall give notice to a grantee in the event the Regional Representative finds there is a failure by the grantee to comply substantially with the provisions of this part.

(e) The Regional Representative shall issue such notice in the form of written notice mailed by registered mail, return receipt

requested, to the State, local applicant or grantee and other interested parties, including—

(1) A statement of reasons for a determination referred to in paragraph (c) or (d) of this section which the Regional Representative intends to make including an explanation whether any amendments or other actions would result in compliance with the regulation;

(2) The date, place, and time of public hearing to be held by the Secretary, one subject of which shall be the proposed determination, which hearing shall in no event be later than 15 working days after the receipt of such notice; and

(3) The manner in which views may be presented.

(f) A party which has received notice under paragraph (e) of this section—

(1) May make a written submission of its views with supporting data and arguments to the Regional Representative on or prior to the date of the public hearing; and

(2) Shall be afforded an opportunity to make an oral presentation at the public hearing.

(g) The Regional Representative shall consider all relevant views and data including arguments and other submissions made at the public hearing. The Regional Representative shall make, not later than 5 working days after the public hearing, a final determination in writing stating the reasons for the determination.

(h) A State or local applicant or grantee may appeal in writing from an adverse final determination made by the Regional Representative under paragraph (g) of this section to the Secretary not later than 10 working days after receipt of the Regional Representative's determination. The Secretary shall have 21 working days to consider the appeal and take any action with respect thereto which he deems appropriate. Any action taken by the Secretary shall be the final determination of DOE. If no action has been taken by the Secretary after the expiration of the 21-working-day period, the Secretary shall be deemed to have approved the determination of the Regional Representative.

(i) Anything herein to the contrary notwithstanding, the public hearing referred to in paragraph (e)(2) of this section may be combined, at the discretion of the Regional Representative, with any other public hearing in the State conducted pursuant to this part.

(j) Upon issuance of the notice provided in paragraph (d) of this section, the Regional Representative may suspend payments to any grantee pending a final determination. If the Regional Representative makes a final determination of failure to comply, the grantee will be ineligible to participate in the program unless and until the Regional Representative is satisfied that there is no longer a failure to comply.

Appendix A.—Standards for Weatherization Materials

Material or product	Standards
Insulation—Mineral fiber:	
Blanket/batt	Conformance to F.S. ¹ HH-I-521E and ASTM C665-70.
Board	Conformance to F.S. HH-I-526C and ASTM C612-70 or C726-72.
Duct material	Conformance to F.S. HH-I-558B.
Loose fill	Conformance to F.S. HH-I-1030A and ASTM C764-73.
Insulation—Mineral cellular:	
Aggregate board	Conformance to F.S. HH-I-529B.
Cellular glass	Conformance to F.S. HH-I-551E and ASTM C552-73.
Perlite	Conformance to F.S. HH-I-574A and ASTM C549-73.
Vermiculite	Conformance to F.S. HH-I-585B and ASTM C516-67.
Insulation—Organic fiber:	
Cellulose—Type I	Conformance to F.S. HH-I-515C and ASTM C739-73 (loose fill).
Cellulose—Type II	Conformance to ASTM C739-73 (loose fill) and fire safety requirements.*
Vegetable	Conformance to F.S. HH-I-528B and fire safety requirements.
Board and block	Conformance to F.S. LLL-I-535A and ASTM C208-72 and fire safety requirements.
Insulation—Organic cellular:	
Polystyrene board	Conformance to F.S. HH-I-524B and ASTM C578-69 and fire safety requirements.
Urethane board	Conformance to F.S. HH-I-530A and ASTM C591-69 and fire safety requirements.
Flexible unicellular	Conformance to F.S. HH-I-573B and ASTM C534-70 and fire safety requirements.
Insulation—Air Spaces: Reflective	Conformance to F.S. HH-I-1252A.
Storm Windows:	
Aluminum frame	Equivalent to ANSI A134.3-1972.
Wood frame	Conformance to Sec. 3 of NWMA Industry Standard I.S.2-73.
Rigid vinyl frame	Conformance to NBS Product Standard PS26-70 and performance guarantee.
Frameless plastic glazing	Required minimum thickness 6 mil (0.006 in.).
Storm doors:	
Aluminum	Equivalent to ANSI A134.4-1972.
Wood:	
Pine	Conformance to Sec. 3 of NWMA I.S.5-73.
Fir, hemlock, spruce	Conformance to Sec. 3 of FHDA/5-75.
Hardwood veneered	Conformance to Sec. 3 of NWMA I.S.1-73.
Rigid vinyl	Conformance to NBS Product Standard PS 26-70 and performance guarantee.
Caulks and sealants	Commercial availability.
Weatherstripping	Commercial availability.
Vapor barriers	Commercial availability.
Clock thermostats	Commercial availability.
Skirting	Commercial availability.
Items to improve attic ventilation	Commercial availability.
Materials used as a patch to reduce infiltration through the building envelope.	Commercial availability.

¹F.S. Means Federal specifications as cited, copies of which may be obtained from Specifications Sales, Building 197, Washington Naval Yard, General Services Administration, Washington, D. C. 20407.

*For fire safety requirements, see Sec. 2.1.3.1 of NBSIR 75-795 which may be obtained from DOE.

PART 440—WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS

Provisions of 10 CFR Part 440 are amended as follows:

§ 440.2 [Amended]

1. Paragraph 440.2(a) is amended to delete the "and" following subparagraph

(7), to redesignate subparagraph (8) as subparagraph (9), and to add a new subparagraph (8) as follows:

(a) * * *

(8) DOE Assistance Regulations (10 CFR Part 600); and

* * * * *

§ 440.14 [Amended]

2. Paragraph 440.14(b) is amended to add a new subparagraph (3) to read as follows:

* * * * *

(b) * * *

(3) The approach, including a list of measures to weatherize a dwelling unit, developed by the State in accordance with Project Retro-Tech, Conservation Paper Number 28, as revised July 1979, which shall be applied to each dwelling unit by a subgrantee to determine the optimum set of cost-effective measures, within the allowable expenditures prescribed in § 440.16, to be installed in such dwelling unit.

* * * * *

§ 440.15 [Amended]

3. Paragraph 440.15(a) is amended to delete the "and" following subparagraph (6), to strike the period at the end of subparagraph (7) and add "; and", and to add a new subparagraph (8) to read as follows:

(a) * * *

(8) The list of measures to weatherize a dwelling unit, developed by the State in accordance with § 440.14(b)(3), after approval by the Regional Representative, is included in copies of Project Retro-Tech which are furnished by the State to subgrantees.

* * * * *

§ 440.17 [Amended]

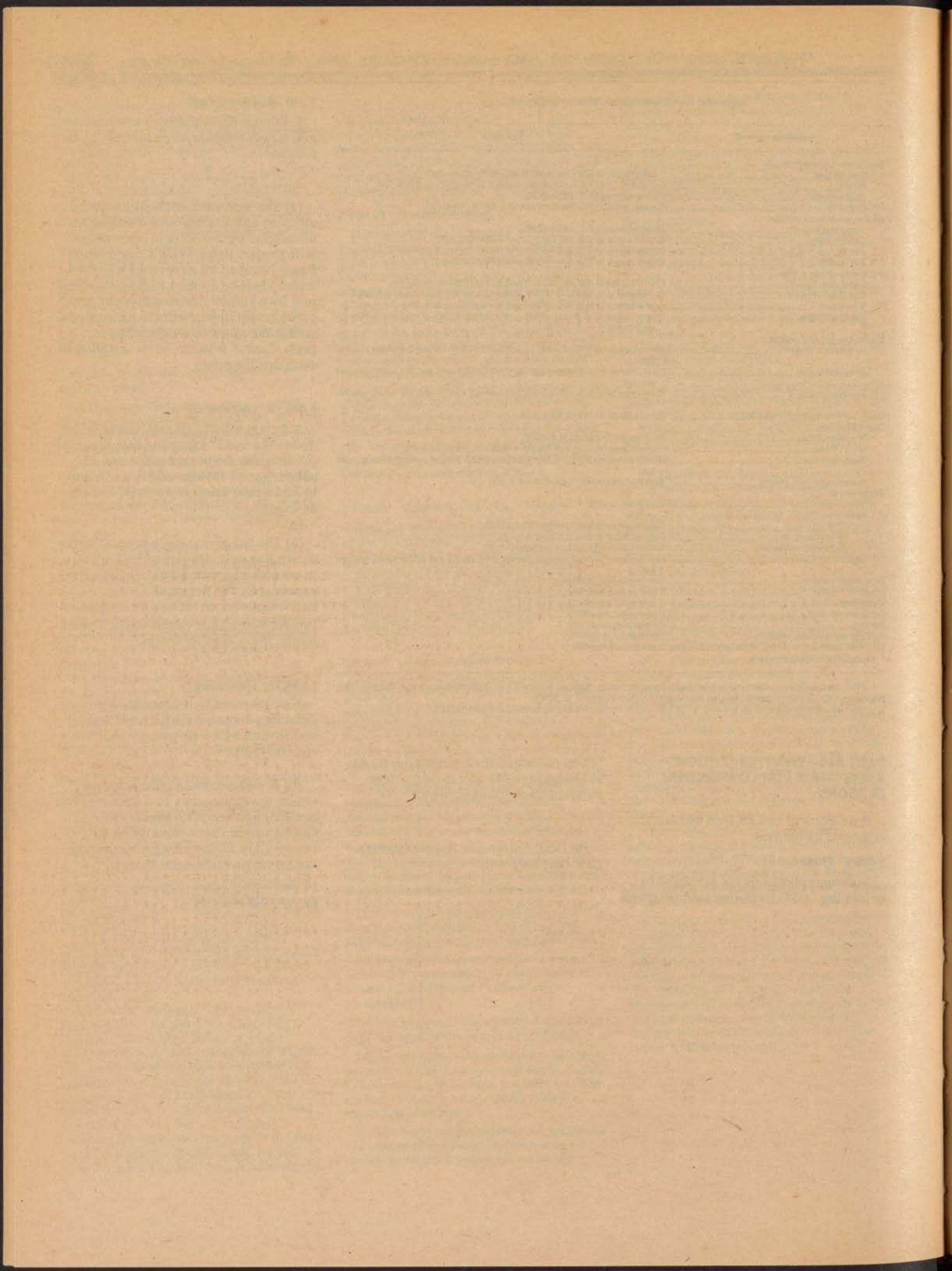
4. Section 440.17 is amended by deleting paragraphs (b), (c), (d) and (e) and by adding a new paragraph (b) to read as follows:

* * * * *

(b) A weatherization project shall utilize the approaches to weatherization contained in Project Retro-Tech, Conservation Paper Number 28, as revised July 1979, including the energy conservation techniques therein.

[FR Doc. 79-26982 Filed 8-27-79; 10:01 am]

BILLING CODE 6450-01-M



Test Report

Wednesday
August 29, 1979

Part V

Department of Energy

Renewable Energy Resources; Inquiry to
Identify any Federal Regulations Which
Might Prevent or Impede Development

DEPARTMENT OF ENERGY

[Docket No. CAS-RM-79-403]

[10 CFR Ch. II, III, and X]

Renewable Energy Resources; Inquiry To Identify Any Federal Regulations Which Might Prevent or Impede Development of Renewable Energy Resources**AGENCY:** Department of Energy**ACTION:** Notice of Inquiry

SUMMARY: The Department of Energy (DOE) invites interested parties to submit written comments identifying any Federal regulations which commenters believe might interfere with the development and widespread use of renewable energy resources, or which might add to the cost of their development and use. Renewable energy is defined to be energy received from the sun directly in the form of radiant energy, and indirectly in the form of radiant energy stored in biomass (i.e., wood, vegetation and organic solid wastes), heated surface waters, the potential and kinetic energy of water elevated via the hydrological cycle, and the kinetic energy of the wind.

DATE: Written comments are due by October 29, 1979.

ADDRESS: Send comments to: Ms. Carol Snipes, Office of Conservation and Solar Applications, Department of Energy, Room 2221-C, 20 Massachusetts Avenue, N.W., Washington, D.C. 20585, telephone 202/376-1651.

FOR FURTHER INFORMATION CONTACT: Mr. John Schuler, Office of Conservation and Solar Applications, Department of Energy, Room 3114, 20 Massachusetts Avenue, N.W., Washington, D.C. 20585, telephone 202/376-9630.

SUPPLEMENTARY INFORMATION:**I. Background**

DOE administers a number of programs and activities whose objective is to facilitate the development of renewable energy resources and to accelerate their introduction and widespread use in the marketplace. DOE is particularly interested in removing economic, technical, regulatory and institutional barriers which prevent or impede the achievement of this objective.

To this end, DOE invites interested persons to submit comments identifying any Federal regulations prescribed by DOE, or by any other Federal agency, which commenters believe might create impediments to the use of renewable energy resources. DOE also invites

comments which recommend amendments to existing regulations, or the drafting of new regulations, which would promote the use of renewable energy resources.

II. Specific Comments Invited.

DOE invites comments on the following: (1) Which specific Federal regulations, in the opinion of the commenter, prevent or impede the introduction into the marketplace of designs, systems or products which make use of renewable energy resources to provide heating, cooling, electric or mechanical power for residential, commercial, industrial, agricultural or utility applications? What specific economic, regulatory or institutional barriers are created, perpetuated, or not addressed by the regulations identified? Specifically, how do these regulations interfere with research, development, manufacture and sales of renewable energy designs, systems or products by the private sector? Specifically, how do these regulations place impediments in the way of individual and corporate consumers who wish to purchase, install and operate renewable energy designs, systems and products?

(2) Which specific Federal regulations impede competition amongst business firms engaged in research, development, manufacture, sales or servicing renewable energy products and systems?

(3) Consistent with the basic purpose of the Federal regulation in question, what specific regulatory provision or language could be added, deleted, or modified to stimulate market acceptance and demand for renewable energy designs, systems or products? What specific regulatory provisions could be added, deleted, or modified to promote increased private sector investment for research, development, mass-production, distribution, sales and servicing of designs, products and systems which use renewable energy resources?

III. Comment Procedures.**A. Written Comments**

Comments should be submitted in an envelope marked "Regulatory Reform—Renewable Energy Resources" to Ms. Carol Snipes, Room 2221-C, Department of Energy, 20 Massachusetts Avenue, N.W., Washington, D.C. 20585 before 4:30 p.m., October 29, 1979. Fifteen copies are requested to be submitted, but alternative arrangements may be made by contacting Ms. Snipes at the address given above.

Except as provided below, all comments will be made available for

public inspection in DOE's Freedom of Information Office, Room GA-152, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., from 8:00 a.m. to 4:30 p.m. on any working day.

Any information or data considered by the person furnishing it to be confidential must be identified and submitted in writing, one copy only. In accordance with agency regulations, DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

Issued in Washington, D.C., August 21, 1979.

Ms. Omi Walden,

Assistant Secretary, Conservation and Solar Applications.

[FR Doc. 79-26980 Filed 8-27-79; 12:16 pm]

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Wednesday, August 29, 1979

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLS	HEW/FDA		DOT/SLS	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*NOTE: As of July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

- ENVIRONMENTAL PROTECTION AGENCY**
- 44499 7-30-79 / California Plan Revision; San Diego County Air Pollution Control District
- HEALTH, EDUCATION, AND WELFARE DEPARTMENT**
- 38330 Food and Drug Administration—
6-29-79 / Polychlorinated Biphenyls (PCB's); reduction of tolerances
- INTERIOR DEPARTMENT**
- 44846 Land Management Bureau—
7-31-79 / Wyoming; Powersite restoration No. 742; Partial revocation of powersite reserve No. 5

Next Week's Deadlines for Comments on Proposed Rules

- AGRICULTURE DEPARTMENT**
- 45605 Food Safety and Quality Service—
8-3-79 / Ante-mortem inspection of meat; residue program; comments by 9-3-79
- 40355 Forest Service—
7-10-79 / Grazing and livestock use on the National Forest System, wild free roaming horses and burros; comments by 9-7-79
- 40258 Office of the Secretary—
7-9-79 / Enhancement, protection, and management of cultural resources; comments by 9-7-79
- 39409 7-6-79 / Rules of practice governing cease and desist proceedings under section 2 of the Copper-Volstead Act; comments by 9-7-79
- CIVIL AERONAUTICS BOARD**
- 32401 6-6-79 / Nondiscrimination on the basis of handicap; comments by 9-4-79

DEFENSE DEPARTMENT

- 45967 Army Department—
8-6-79 / Assistance of creditor; comments by 9-5-79

ENDANGERED SPECIES COMMITTEE

- 33127 6-8-79 / Endangered Species Review Board and Endangered Species Committee, interim final rules; comments by 9-4-79

ENERGY DEPARTMENT

- 40111 7-5-79 / Baca Geothermal Demonstration Power Plant; comments by 9-7-79
- 39184 7-5-79 / Power and transmission rate adjustment procedures; comments by 9-4-79
- 40325 Economic Regulatory Administration—
7-10-79 / Propane increased non-product costs; comments by 9-7-79

ENVIRONMENTAL PROTECTION AGENCY

- 45650 8-3-79 / Air quality control regions, criteria and control techniques; attainment status techniques; comments by 9-4-79
- 45420 8-2-79 / Montana state implementation plan; comments by 9-4-79
- 46414 8-7-79 / Registration of pesticides by States to meet special local needs; comments by 9-6-79
- 39486 7-6-79 / Water quality standards, surface waters of the State of Ohio; comments by 9-4-79

FEDERAL COMMUNICATIONS COMMISSION

- 42735 7-20-79 / Camden, Me.; changes in FM table of assignments; comments by 9-7-79
- 43322 7-24-79 / Geographic sharing of certain frequencies in the petroleum, forest products, special industrial, and manufacturers radio services; reply comments by 9-4-79
- 42731 7-20-79 / Kalamazoo, Mich.; changes in television broadcast stations; comments by 9-7-79
- 42732 7-20-79 / Santa Barbara, Calif.; changes in FM table of assignments; comments by 9-7-79

- FEDERAL HOME LOAN BANK BOARD**
46477 8-8-79 / Investment in HUD Section 8 low-income housing program; comments by 9-7-79
- FEDERAL MARITIME COMMISSION**
39232 7-5-79 / Certification of company policies and efforts to combat rebating in the foreign commerce of the U.S.; comments by 9-4-79
- HEALTH, EDUCATION, AND WELFARE DEPARTMENT**
Center for Disease Control—
43005 7-23-79 / Foreign quarantine: importation of dogs and cats; comments by 9-4-79
- Food and Drug Administration—**
39469 7-6-79 / Antibiotics for human use; exemption of dermatologic and vaginal antibiotic drug products from certification; comments by 9-4-79
- 26899** 5-8-79 / Carcinogenic residues in food-producing animals; criteria and procedures for evaluating assays; comments by 9-4-79
 [Originally published at 44 FR 23538; 4-20-79]
- Museum Services Institute—**
45973 8-6-79 / Meetings of National Museum Services Board; notice of proposed rulemaking; comments by 9-5-79
- Social Security Administration—**
38879 7-3-79 / Federal old-age, survivors, and disability insurance benefits, supplemental security income for the aged, blind, and disabled; determining disability and blindness; comments by 9-4-79
 [Corrected at 44 FR 40532]
- HOUSING AND URBAN DEVELOPMENT DEPARTMENT**
Federal Disaster Assistance Administration—
39198 7-5-79 / General insurance requirements for Federal disaster assistance; comments by 9-5-79
- INTERIOR DEPARTMENT**
Heritage Conservation and Recreation Service—
45417 8-2-79 / Identification and protection of archeological, architectural, historic, and scientific properties; comments by 9-4-79
- JUSTICE DEPARTMENT**
Immigration and Naturalization Service—
39183 7-5-79 / Adjustment of fee schedule; comments by 9-5-79
- PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION**
45925 8-6-79 / Policy on environmental quality and control; procedures for implementing the National Environmental Policy Act; comments by 9-5-79
- PERSONNEL MANAGEMENT OFFICE**
45629 8-3-79 / Agency administrative grievance system; comments by 9-4-79
- SECURITIES AND EXCHANGE COMMISSION**
47953 8-16-79 / Annual assessments for nonmember broker-dealers; comments by 9-7-79
- STATE DEPARTMENT**
Office of the Secretary—
39473 7-6-79 / Board of Appellate Review; nationality procedures; passports; miscellaneous amendments; comments by 9-4-79
 [Corrected at 44 FR 41487; 7-17-79]
- TRANSPORTATION DEPARTMENT**
Coast Guard—
45969 8-6-79 / Drawbridge operation, Yazoo River, Miss.; comments by 9-7-79
- Federal Highway Administration—**
40065 7-9-79 / Public lands highways funds; procedures; comments by 9-7-79
- TREASURY DEPARTMENT**
Customs Service—
47103 8-10-79 / Bolts, nuts and rivets; marking; comments by 9-8-79

Internal Revenue Service—

- 39476** 7-6-79 / Capital loss carryovers for regulated investment companies; comments by 9-4-79
- 44553** 7-30-79 / Consolidated returns; comments by 9-5-79
- 39477** 7-6-79 / Earned Income Credit; proposed income tax and employment tax regulations; comments by 9-4-79

WAGE AND PRICE STABILITY COUNCIL

- 47232** 8-10-79 / Modifications to voluntary pay and price standards; comments by 9-5-79

New Week's Meetings:

AGRICULTURE DEPARTMENT

- Agricultural Marketing Service—**
47576 8-14-79 / Federal Seed Act Program Review, Memphis, Tenn. (open) 9-5-79 and Denver, Co. (open) 9-7-79
- Federal Grain Inspection Service—**
47779 8-15-79 / Grains Standards Act Advisory Committee, Washington, D.C. (open), 9-5-79
- Office of Equal Opportunity—**
49286 8-22-79 / Citizens Advisory Committee on Equal Opportunity; Washington, D.C. (open), 9-5 through 9-7-79
- ARTS AND HUMANITIES, NATIONAL FOUNDATION**
47190 8-10-79 / Humanities Panel Advisory Committee, Washington, D.C. (closed), 9-4 and 9-6-79
- 49525** 8-23-79 / Humanities Panel Advisory Committee, Washington, D.C. (closed), 9-7-79
- 45493** 8-2-79 / Humanities Panel, Washington, D.C. (closed), 9-7-79
- 49316** 8-22-79 / Museum Advisory Panel, Washington, D.C. (closed), 9-5-79

CIVIL RIGHTS COMMISSION

- 49287** 8-22-79 / Connecticut Advisory Committee, Hartford, Connecticut (open), 9-8-79
- 49003** 8-21-79 / Idaho Advisory Committee, Idaho Falls, Idaho (open), 9-8-79
- 44587** 7-30-79 / Maine Advisory Committee, Augusta, Maine (open), 9-6-79
- 45232** 8-1-79 / Massachusetts Advisory Committee, Boston, Mass. (open), 9-5-79
- 47582** 8-14-79 / Michigan Advisory Committee, Grand Rapids, Mich. (open) 9-6-79
- 47582** 8-14-79 / Missouri Advisory Committee, Columbia, Mo. (open) 9-7-79
- 45232** 8-1-79 / Nebraska Advisory Committee, Scottsbluff, Nebraska (open), 9-5-79
- 49004** 8-21-79 / West Virginia Advisory Committee, Charleston, W.Va. (open), 9-6-79

COMMERCE DEPARTMENT

- Industry and Trade Administration—**
49004 8-21-79 / Numerically Controlled Machine Tool Technical Advisory Committee, Washington, D.C. (partially opened), 9-6-79
- National Oceanic and Atmospheric Administration—**
48313 8-17-79 / Caribbean Fishery Management Council, Puerto Rico and St. Thomas, VI, 9-5 through 9-6-79
- 49288** 8-22-79 / Gulf of Mexico Fishery Management Council, New Orleans, Louisiana (open), 9-5, 9-6, and 9-7-79
- 47973** 8-16-79 / New England Fishery Management Council, Bar Harbor, Maine (open), 9-5 and 9-6-79
- National Telecommunications and Information Administration—**
46911 8-9-79 / Electromagnetic Radiation Management Advisory Council, Washington, D.C. (open), 9-5-79

- Patent and Trademark Office—
45236 8-1-79 / Trademark Affairs Public Advisory Committee, Washington, D.C. (open), 9-6-79
- CONSUMER PRODUCT SAFETY COMMISSION**
48315 8-17-79 / Toxicological Advisory Board, Bethesda, Md. (open), 9-5 and 9-6-79
- COPYRIGHT ROYALTY TRIBUNAL**
47440 8-13-79 / Meeting, Washington, D.C. (open), 9-6-79
- DEFENSE DEPARTMENT**
 Air Force Department—
48315 8-17-79 / USAF Scientific Advisory Board, Lynn, Mass. (closed), 9-5 through 9-7-79
 Office of the Secretary—
39240 7-5-79 / Defense Intelligence Agency Advisory Committee, Washington, D.C. (closed), 9-5 and 9-6-79
43505 7-25-79 / Defense Science Board Task Force on EMP Hardening of Aircraft, Alexandria, Va. (closed), 9-5 and 9-6-79
47976 8-16-79 / Defense Science Board Task Force on EMP Hardening of Aircraft, Alexandria, Va. (closed), 9-5 and 9-6-79
47136 8-10-79 / DOD Advisory Group on Electron Devices, Working Group A, Arlington, Va. (closed), 9-6 and 9-7-79
43760 7-26-79 / Electron Devices Advisory Group, New York, N.Y. (closed) 9-5-79
43505 7-25-79 / Wage Committee, Washington, D.C. (closed), 9-4-79
- ENERGY DEPARTMENT**
46314 8-7-79 / National Petroleum Council, Coordinating Subcommittee of the Committee on Refinery Flexibility, San Francisco, Calif. (open), 9-5-79
 Economic Regulatory Administration—
47976 8-16-79 / Gasoline Marketing Advisory Committee and the Ad Hoc Subcommittees, San Francisco, California (open), 9-5, and 9-6-79
 Federal Energy Regulatory Commission—
49010 8-21-79 / Revision of Rules of Practice and Procedure Advisory Committee, Washington, D.C. (open), 9-7-79
- FEDERAL COMMUNICATIONS COMMISSION**
47160 8-10-79 / National Industry Advisory Committee, Broadcast Service Subcommittee, Washington, D.C. (open), 9-7-79
 [Originally published at 44 FR 47160, 8-10-79]
- FEDERAL PREVAILING RATE ADVISORY COMMITTEE**
48345 8-17-79 / Washington, D.C. (open), 9-6-79
- HEALTH, EDUCATION, AND WELFARE DEPARTMENT**
 Food and Drug Administration—
49014 8-21-79 / Diagnostic Radiology and Nuclear Medicine Quality Assurance Programs, Arlington, Va. (open), 9-6 and 9-7-79
 National Institutes of Health—
45088 7-31-79 / Recombinant DNA Advisory Committee, Bethesda, Md. (partially open), 9-6 and 9-7-79
 Office of Education—
49311 8-22-79 / Adult Education National Advisory Council, Salt Lake City, Utah (open), 9-6 and 9-7-79
47407 8-13-79 / President's Commission on Foreign Language and International Studies, Washington, D.C. (open), 9-6 and 9-7-79
 Office of Assistant Secretary for Health—
44950 7-31-79 / President's Council on Physical Fitness and Sports, Washington, D.C. (open), 9-6-79
 Office of the Secretary—
49310 8-22-79 / White House Conference on Families National Advisory Committee, Washington, D.C. (open), 9-7-79
- Social Security Administration—
49311 8-22-79 / Social Security Advisory Council, Washington, D.C. (open), 9-7 and 9-8-79
- INTERIOR DEPARTMENT**
 Fish and Wildlife Service—
45269 8-1-79 / Animal Damage Control for Migratory Birds, Rodents, and Miscellaneous Mammals, Environmental Impact Statement; scoping meeting, Washington, D.C. (open), 9-4 through 9-6-79
 National Park Service—
43821 7-26-79 / Upper Delaware Citizens Advisory Council, Damascus, Pa. (open), 9-8-79
- LABOR DEPARTMENT**
 Pension and Welfare Benefit Program—
49027 8-21-79 / Employee Welfare and Pension Benefit Plans Advisory Council, Washington, D.C. (open), 9-6-79
- NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**
47997 8-16-79 / Space and Terrestrial Applications Steering Committee, Proposal Evaluation Advisory Subcommittee, College Park, Md. (closed) 9-6 and 9-7-79
- NUCLEAR REGULATORY COMMISSION**
49027 8-21-79 / Reactor Safeguards Advisory Committee Ad Hoc Committee on the Three Mile Island, Unit 2 Accident; Implications Re Nuclear Powerplant Design, Washington, D.C. (open), 9-5-79
- PENSION POLICY, PRESIDENT'S COMMISSION**
42831 7-20-79 / Study Group on Pension Policy and the Economy, Washington, D.C. (open), 9-7-79
- STATE DEPARTMENT**
47836 8-15-79 / World Administrative 1979 Radio Conference Advisory Committee, Washington, D.C. (open), 9-5-79
- TRANSPORTATION DEPARTMENT**
 Federal Aviation Administration—
47431 8-13-79 / Radio Technical Commission for Aeronautics Special Committee 136—Installation of Emergency Locator Transmitters in Aircraft, Greenbelt, Md. (open), 9-6 and 9-7-79
- VETERANS ADMINISTRATION**
47204 8-10-79 / Station Committee on Education Allowances, Des Moines, Iowa (open), 9-7-79
33757 6-12-79 / Veterans Administration Wage Committee, Washington, D.C. (closed), 9-6-79
- Next Week's Public Hearings**
- CIVIL AERONAUTICS BOARD**
47127 8-10-79 / Former large irregular air service investigation, Washington, D.C., 9-5-79
- COMMERCE DEPARTMENT**
44588 7-30-79 / Mediation between State of California and Department of the Interior under the Coastal Zone Management Act, Los Angeles, California, 9-7-79
- ENERGY DEPARTMENT**
45909 8-3-79 / Leasing; acquisition and disposition of Federal royalty oil, New Orleans, La., 9-5-79
- INTERNATIONAL TRADE COMMISSION**
46955 8-9-79 / Nonelectric cooking ware; Washington, D.C., 9-6-79
- LABOR DEPARTMENT**
 Occupational Safety and Health Administration—
31670 6-1-79 / Fire brigades, Houston, Tex., 9-5-79
 Office of the Secretary—
48392 8-17-79 / State of New Hampshire Department of Employment Security, Washington, D.C., 9-4-79
- SOCIAL SECURITY NATIONAL COMMISSION**
35324 6-19-79 / Social Security, Atlanta, Ga., 9-7-79

TRANSPORTATION DEPARTMENT**Coast Guard—**

- 34440 6-14-79 / Proposed design standards for tank barges to prevent oil pollution, St. Louis, Mo., 9-7-79
- 47359 8-13-79 / Proposals for tank barges to prevent oil pollution, Washington, D.C., 9-5-79

TREASURY DEPARTMENT**Internal Revenue Service—**

- 43292 7-24-79 / Taxes on excess business holdings; Washington, D.C., 9-6-79

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing August 17, 1979

Documents Relating to Federal Grants Programs

This is a list of documents relating to Federal grants programs which were published in the Federal Register during the previous week.

RULES GOING INTO EFFECT

- 49994 8-24-79 / HUD / CP&D—Community development block grants; categorical program settlement fund; effective 10-1-79

APPLICATIONS DEADLINES

- 49488 8-23-79 / Commerce / MBEO—Business opportunities in new and/or expanded markets; apply by 9-14-79
- 49574 8-23-79 / HEW / OE—Direct grant programs; application notices for FY 1980; various dates

MEETINGS

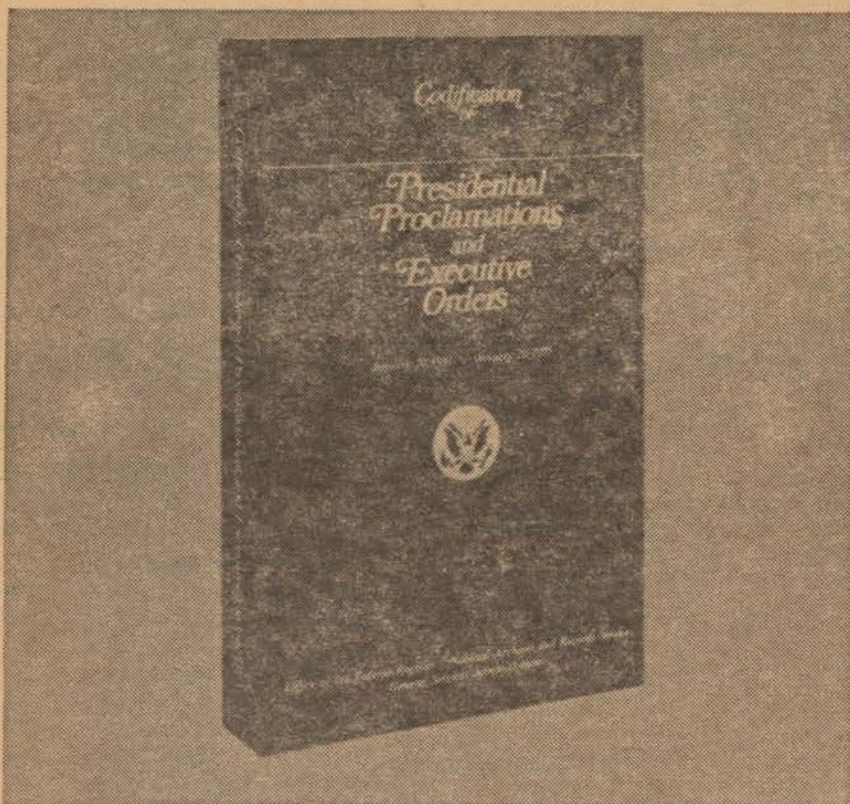
- 49012 8-21-79 / HEW / CDC—Mine Health Research Advisory Committee, Rockville, Md. (partially open), 9-13-79
- 49309 8-22-79 / HEW / NIH—Bladder and Prostatic Cancer Review Committee, Boston, Massachusetts (partially open), 9-6 and 9-7-79
- 49310 8-22-79 / HEW / NIH—Bladder and Prostatic Cancer Review Committee, Buffalo, New York (partially open), 9-19 and 9-20-79
- 49310 8-22-79 / HEW / NIH—Cancer Etiology and Prevention, Bethesda, Maryland (closed), 9-27 and 9-28-79
- 49310 8-22-79 / HEW / NIH—Cancer Research Manpower Review Committee, Bethesda, Maryland (partially open), 9-29-79
- 49308 8-22-79 / HEW / NIH—Environmental Health Sciences National Advisory Council, Research Triangle Park, N.C. (partially open), 10-12-79
- 49309 8-22-79 / HEW / NIH—Large Bowel and Pancreatic Cancer Review Committee, Houston, Texas (partially open), 9-6 and 9-7-79 grants meeting
- 49308 8-22-79 / HEW / NIH—National Advisory Neurological and Communicative Disorders and Stroke Council, Planning Subcommittee, Bethesda, Md. (partially open), 10-10-79
- 49308 8-22-79 / HEW / NIH—National Advisory Neurological and Communicative Disorders and Stroke Council, Bethesda, Md. (partially open), 10-11 and 10-12-79
- 49309 8-22-79 / HEW / NIH—National Arthritis, Metabolism, and Digestive Diseases Advisory Council; Bethesda, Md. (partially open), 9-26 through 9-28-79
- 49310 8-22-79 / HEW / NIH—Population Research Committee, Bethesda, Md. (partially open), 11-14 through 11-16-79
- 49310 8-22-79 / HEW / NIH—Treatment and Restorative Care, Detector and Diagnosis Subcommittee, Bethesda, Maryland (closed), 9-27 and 9-28-79

- 49036 8-21-79 / State / AID—Africa Regional Work Group, Washington, D.C. (open), 9-10-79
- 49036 8-21-79 / State / AID—Asia Regional Work Group, Rosslyn, Va. (open), 9-10-79
- 49036 8-21-79 / State / AID—Joint Committee for Agricultural Development of the Board for International Food and Agricultural Development, Arlington, Va. (open), 9-11-79
- 49036 8-21-79 / State / AID—Latin America Regional Work Group, Washington, D.C. (open), 9-10-79
- 49036 8-21-79 / State / AID—Near East Regional Work Group, Washington, D.C. (open), 9-10-79

OTHER ITEMS OF INTEREST

- 49303 8-22-79 / EPA—Grants for construction of treatment works; class deviations
- 49316 8-22-79 / LSC—Grants and contracts; Utah, New Mexico, Texas; comments solicited

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